

I N D E X

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1 THE COURT: All right. So we're on the
2 record. This is the matter of Alcantara, et al.,
3 versus Commissioner of Education, David Hespe, et al.
4 Our Docket Number EDU 11069-14. This is the continuing
5 hearing. Appearing on behalf of the Petitioner.

6 MR. LANG: Arthur Lang for Petitioners.

7 MR. GROSSMAN: Daniel Grossman for
8 Petitioners.

9 THE COURT: All right. Thank you.

10 MS. HOFF: Dep -- Oh. Deputy Attorney
11 General Jennifer Hoff on behalf of the State
12 Respondents, Department of Education, State Board of
13 Education, and Commissioner of Education. With me here
14 today is also Deputy Attorney General Lori Prapas,
15 Deputy Attorney General Geoffrey Stark and Deputy
16 Attorney General Lauren Jensen, with our client, Susan
17 X.

18 THE COURT: All right, great. Thank you.

19 MS. HOFF: Thank you, Your Honor.

20 THE COURT: Okay, so. Any housekeeping
21 matters we need to take care of on the record before we
22 continue?

23 MR. GROSSMAN: Well Your Honor, I just wanted
24 to go, briefly. It's our understanding that today will
25 be Dr. Haber's (phonetic) cross examination if we get

1 to it, his redirect, two fact witnesses from the --
2 possibly three from the District. And tomorrow we will
3 bring in Dr. Daniel Fary (phonetic). And that should
4 consume --

5 MR. LANG: Possibly -- And possibly David
6 Shafter, the State Monitor --

7 MR. GROSSMAN: Possibly -- Possibly David
8 Shafter. Shaf -- Shafter?

9 MR. LANG: Shafter.

10 MR. GROSSMAN: Yeah.

11 MR. LANG: We had talked.

12 MR. GROSSMAN: If we have time. Although I
13 suspect that's unlikely.

14 THE COURT: All right. Well.

15 MR. LANG: Then we'll get to him.

16 MS. HOFF: Your Honor.

17 THE COURT: We'll reach who we can reach.

18 MS. HOFF: And the only -- the only caveat I
19 have to that is, we did send a letter confirming our
20 understanding of who will be on this week. And it was
21 our understanding, with no response back from the
22 opposite party, that the state monitors would be going
23 on the 22nd. The reason we sent the confirming letter
24 was so that we would understand the order of witnesses.

25 THE COURT: I thought they were coming

1 tomorrow.

2 MS. PRAPAS: No.

3 THE COURT: No?

4 MR. GROSSMAN: No. They --

5 THE COURT: Okay.

6 MR. GROSSMAN: No. We --

7 THE COURT: Changed that.

8 MR. LANG: Your Honor.

9 MR. GROSSMAN: They were -- Excuse me.

10 Apparently there's some -- It still remains an issue as
11 to Mr. Azzara's abilities.

12 THE COURT: Oh, okay.

13 MR. GROSSMAN: And so he's scheduled for the
14 22nd and that will give us adequate time. So, if we
15 have time tomorrow, we would try to get Mr. Shafter in.
16 Otherwise, I'll bring him along on the 22nd. I don't
17 think the testimony's going to be that -- that lengthy.

18 THE COURT: Okay. That's fine.

19 MR. LANG: And I'll see, Your Honor. The --
20 We have to bring in Mr. Finger, I guess.

21 MR. GROSSMAN: Oh, Finger. Right.

22 MR. LANG: We're going to wait for Mr.
23 Inzelbuch -- on the 22nd. Because he has to --

24 THE COURT: Okay.

25 MR. GROSSMAN: Well, if we can.

1 MR. LANG: -- do the cross. They have to do
2 the cross.

3 THE COURT: Well, we'll do the best we can.
4 Okay. So. Are we ready to continue?

5 MS. HOFF: Yes.

6 THE COURT: All right. So.

7 MR. GROSSMAN: Mr. Haber resumes the stand.

8 MR. LANG: Dr. Haber.

9 MR. GROSSMAN: Sorry.

10 THE COURT: Yes, Dr. Haber. All right.

11 THE WITNESS: Good morning.

12 THE COURT: You've testified previously so
13 you're -- Remember you're still under oath.

14 THE WITNESS: Yes.

15 R O S S H A B E R, PETITIONER'S WITNESS, PREVIOUSLY
16 SWORN, RESUMES TESTIMONY.

17 THE COURT: Okay. All right. So, cross
18 examination.

19 CROSS EXAMINATION BY MS. PRAPAS:

20 Q And a few issues just to start. I'm not sure
21 what papers Dr. Haber's brought up to the witness
22 stand. I just want to confirm that he doesn't have any
23 of his own --

24 A Yeah, my -- Should I -- My reports and some
25 documents with state enrollment.

1 Q Okay. And I would just request that you
2 don't refer to those unless, you know, you make it
3 clear that you need to refresh your recollection.

4 A Sure. Not a problem.

5 MS. PRAPAS: Okay. And if I can approach,
6 Your Honor. I'll bring you a copy of our exhibits.

7 THE COURT: Thank you.

8 MS. PRAPAS: Yup.

9 MR. STARK: --

10 MR. LANG: What?

11 MR. STARK: Your exhibits?

12 MR. LANG: No, we don't have any exhibits for

13 --

14 MS. PRAPAS: I'll come and welcome you
15 through them, as I move through them.

16 MR. LANG: Fine.

17 MS. PRAPAS: And I just wanted to clarify
18 also for the record, last time when Dr. Haber was
19 testifying it wasn't clear whether Your Honor had the
20 most recent copy of the report -- of his report, and I
21 just want to ensure that we're all looking at the same
22 report. Do you have a copy of it? If not I can --

23 THE COURT: Maybe we'll just make me a copy
24 of it. How's that?

25 MS. PRAPAS: I have.

1 THE COURT: What number is that anyway? P
2 what?

3 MS. PRAPAS: This is --

4 MR. LANG: The -- This Haber report is --

5 MS. PRAPAS: I believe it's P-21.

6 MR. LANG: Exhibit 21.

7 THE COURT: Okay. Oh, here we go.

8 MR. LANG: Judge Scarola has a color copy.

9 (Chuckles)

10 THE COURT: It comes from New Jersey State
11 DOE. Yes.

12 MS. PRAPAS: So, just to --

13 THE COURT: But I don't think it was because
14 remember, I think I said on one page what I had was
15 different.

16 MS. PRAPAS: Right. So just to clarify. The
17 most recent copy of the report. If you could look at
18 Page 6, Table 5. And if Your Honor could just confirm
19 that the column that says "Adequacy" has the numbers
20 for the 2018/19 school year, 117325784.

21 THE COURT: Yes.

22 MS. PRAPAS: Okay. So that will be the most
23 recent copy and that we all have the same copy of the
24 report. Okay. Hi Dr. Haber, how are you?

25 THE WITNESS: Good morning.

1 BY MS. PRAPAS:

2 Q So you testified on February 5th, that the
3 most recent copy of your report that you provided to us
4 on the morning of February 5th, to the best of your
5 knowledge you testified, that the only changes that
6 were made were to the Adequacy Columns on Tables 6 and
7 7. I'm sorry. Pages -- No, Tables 5 and 6. Is that
8 correct?

9 A To the best of my knowledge, yes.

10 Q Okay. And you also testified on February 5th
11 that you performed the analysis in the entire report
12 yourself. Is that correct?

13 A That is correct.

14 Q And that noone helped you in performing the
15 analysis in your report. Is that correct?

16 A Yeah, yes.

17 Q That was your testimony. And you also
18 testified on the 5th that changes were made to Tables 5
19 and 6 because the dates in the fiscal report were off,
20 so you and Arthur got things straightened out. Was
21 that your testimony?

22 A That was my testimony.

23 Q Okay. And in this most recent draft of your
24 report, you also changed on Page 10, which is Table 8,
25 you changed the --

1 A Can I look?

2 Q Yes.

3 A Okay.

4 Q And I'll be referring to the report
5 throughout, so you can keep that in front of you and
6 look at that.

7 THE COURT: So what page?

8 MS. PRAPAS: Page 10.

9 THE WITNESS: You asked a question about
10 Table 8?

11 MS. PRAPAS: Yes.

12 THE WITNESS: Yes.

13 BY MS. PRAPAS:

14 Q So in the most recent draft, you also changed
15 the figures in the column for the Needed Column. You
16 changed those figures in the most revised -- from the
17 previous draft to this most revised draft. Correct?

18 A Yes.

19 Q Okay.

20 THE COURT: So, so now it should say --
21 Everything should say 117?

22 MS. PRAPAS: Well, we'll -- we'll cross that
23 --

24 THE COURT: Okay. Because I think that's
25 where -- that's --

1 MS. PRAPAS: -- bridge in a -- when we come
2 to it.

3 THE COURT: Because I noted that this column
4 was supposed to say 117.

5 MS. PRAPAS: Right. We'll cross that bridge
6 when we come to it.

7 THE COURT: Okay.

8 BY MS. PRAPAS:

9 Q But I just want to clarify that the -- And
10 that Dr. Haber just testified so, the Needed Column was
11 also changed in this revision. Is that correct, Dr.
12 Haber?

13 A Yes.

14 Q Okay. But you didn't mention that when you
15 testified on the 5th, that that change was also made to
16 this document. Correct?

17 A I didn't mention it?

18 Q Yes.

19 A I guess.

20 Q Okay. All right. You also testified on
21 February 5th here, that you had previously testified as
22 an expert witness in a case involving the Lower Merion
23 School District?

24 A That -- That's incorrect. Okay? I'm not an
25 expert witness, I rarely do that. What I testi -- Can

1 I explain? I was not an expert, per se.

2 Q Well no, it was a yes or no question.

3 A I was an expert witness on the derivation of
4 numbers for -- for the case, it was a desegrega -- It
5 was -- It was a discrimination case. And they asked me
6 specifically about my report. I was the expert on that
7 report. As -- I don't know if you would define me as
8 an expert witness. I wasn't paid as one, you know.

9 Q Okay. So you testified as a fact witness in
10 that case --

11 A Yes.

12 Q -- in the role as a redistricting consultant.

13 A That's -- That's a more accurate description of
14 what I did.

15 Q Okay. Okay, so now turning to Table 1 in
16 your report, which is on Page 1.

17 A Yes.

18 Q You testified on the 5th that the public
19 school numbers in this table come from the ASSA. Is
20 that correct?

21 A They come -- Yes. That's on the New Jersey State
22 Department of Education, their website.

23 MS. PRAPAS: Okay. I'm going to approach and
24 show the witness what is marked for identification as
25 R-11.

1 THE WITNESS: Okay.

2 MS. PRAPAS: Do you have the -- I just want
3 to show you. I'm going to -- This is just -- It's
4 Bates labeled.

5 MR. LANG: Okay, yes. I see. Would you be
6 able to get us copies of your exhibits?

7 MS. PRAPAS: Well, these are just for cross
8 examination. These aren't our official exhibits.

9 MR. LANG: But we get to see it.

10 UNIDENTIFIED FEMALE: Yes, but we could have
11 a copy --

12 MR. LANG: Yeah, you know what I mean.

13 MS. PRAPAS: Yes. I have a copy over there.

14 MR. LANG: May we please.

15 MS. HOFF: Where is it? I'll get it.

16 MS. PRAPAS: In -- In that second box over
17 there, there's a binder in there. Thank you.

18 THE WITNESS: Yes.

19 MS. PRAPAS: Okay. And I'll wait for her to
20 get that for the attorney.

21 THE WITNESS: I'm going to tell you that that
22 is an incorrect document --

23 MS. PRAPAS: Okay, let's --

24 THE WITNESS: -- to use for your own
25 projections.

1 MS. PRAPAS: Okay, let's wait for -- for Jen
2 to get the ones.

3 THE WITNESS: Okay. Sorry.

4 MR. LANG: Thank you.

5 MS. HOFF: No problem.

6 THE WITNESS: Yes.

7 BY MS. PRAPAS:

8 Q Okay. First of all, do you recognize this
9 document?

10 A Yes, I do. This is an ASSA Summary.

11 Q Okay. So this is not the data that you
12 relied on?

13 A No. There's a very specific reason for that
14 though. If you want -- Okay. I'm sorry.

15 Q Go ahead.

16 A Okay. There are several different ways of atte
17 -- enrollment is counted in school districts. This
18 form is not usable --

19 MR. GROSSMAN: Excuse me. Your Honor, may I
20 just instruct the witness to indicate what he's
21 pointing to when he says "this form."

22 THE WITNESS: I'm pointing to the form that
23 was presented to me by --

24 MR. GROSSMAN: Yes, but there's a --

25 THE COURT: R-11.

1 MR. GROSSMAN: R-11.

2 THE COURT: R-11.

3 (R-11 marked for
4 Identification)

5 THE WITNESS: Oh, I'm sorry. Thank you.

6 Sorry. Okay, R-11. Okay. This -- The way -- Okay.

7 As a demographer, I have to use -- I have to count

8 numbers of kids who are -- who are actually taking

9 seats in classrooms. Okay. Exclude from that -- Okay.

10 Now, the way this re -- Having said that, so all the

11 numbers and all the tables that you see, are number of

12 kids that actually take up space in a general education

13 classroom. It's used for projection purposes. What

14 this rep -- What the State does in this summary report.

15 MR. GROSSMAN: It's R-11.

16 THE WITNESS: What the State does in R-11,

17 okay, is that they extract all special needs kids out

18 of general ed classrooms. That is not only just self-

19 contained special ed kids, but kids who are pullouts

20 for resource room. What that means is a child may be

21 in a subject area for all subjects, but pulled out one

22 period a day. Okay. Pulled out one period a day for

23 -- for Reading or Math or something like that. But

24 they are general education students. When I -- I

25 separate those rejections from self-contained special

1 ed children. These children -- All of these numbers
2 over here are pulled out of grade level. So you're not
3 going to get a direct grade level match with this, to
4 what a demographer does. For example, if I may.
5 Referring to R-11. Okay.

6 MR. GROSSMAN: But Column -- You want to --
7 Again --

8 THE COURT: Yeah. Which column are you on?

9 MR. GROSSMAN: Column. What column are you
10 talking about?

11 THE WITNESS: Oh, I'm -- The column that's --
12 The second column that's marked Full. If you look at
13 the total of that -- If you look at the total of that
14 column for general ed students, the number is 4,590.
15 The actual number of general ed students, including
16 resource room students, is 5,229. Because extracted
17 from that total are all special ed kids. They're
18 called Tier 1, Tier 2, and Tier 3. So when I go back
19 and do a report, I have to add those children back. So
20 that 5229 includes all gen -- On Table -- Referring to
21 Table 1 in my report, year 2011 and 12, that number --
22 the public number 5,229, is inclusive of all general ed
23 students enrolled in regular education classes,
24 including children who are -- who are special ed, but
25 are not self-contained special ed. So this number of

1 4,590 only totals up students who are not classified.
2 The number 5229 includes all students who are
3 classified, exclusive of self-contained special ed
4 kids. In other words, the object of my projections is
5 to help a school district to determine the resources it
6 needs in terms of classroom space, available classroom
7 and teaching staff. And from that I add the other
8 parameters, which might be, you know, which might be we
9 need 4 rooms for self-contained special education
10 children. So the number 4,590 does not equate with the
11 number 5,229.

12 BY MS. PRAPAS:

13 Q Okay. So you testified that -- Well, let me
14 strike that. So, first of all, there are no sources in
15 your report to any data that is in Table 1. You did
16 not cite to any sources in your report. Is that
17 correct?

18 A I apologize. Generally I do when I prepare it. I
19 also want to clarify something else, that --

20 Q Well, please answer my question first.

21 A I'm sorry.

22 Q So there are no -- They're not cited?

23 A No. No, I did not source them.

24 Q Okay. And --

25 A If I may.

1 Q -- so there's no way to verify the data that
2 is in -- in your table there. Is that correct?
3 Without the cite to the source.

4 A Hang on a second.

5 Q Yes or no.

6 A That is correct.

7 Q Okay. And you testified that the data that
8 you relied on -- What you're saying now is the ASSA,
9 you know, full -- Not the summary but the full ASSA.

10 A Right.

11 Q That that's available online?

12 A Yes. Oh, okay. The way it's repor -- Online --

13 Q Isn't it --

14 A I'm sorry I didn't source it, actually. I do
15 typically. I didn't do it for this report but. It's
16 on -- It's available online. If you go New Jers -- New
17 Jersey Education Department. You look at -- at the
18 data center. You look up by the year. And you'll get
19 a printout of by grade, by school, for every school
20 district in the -- in New Jersey.

21 Q Okay. And for the record, I am turning to
22 what is marked as R-6. Is this what you're referring
23 to?

24 A No.

25 Q That you relied on.

1 A No.

2 Q Okay.

3 A That's a -- That's a district wide --

4 Q I -- Yes, okay.

5 A No. The answers, no.

6 Q Okay. So you just testified that the data in

7 -- that you relied on for Table 1, to make these

8 projections, is what you would routinely rely on in

9 making projections for space for facilities purposes.

10 Is that correct? Yes or no.

11 A It's the data I relied on to make an enrollment

12 projection. Whatever the enrollment projections are I

13 applied to other things that I do. Which may be

14 facility, which may be transportation.

15 Q Okay. But you're not aware that for

16 projecting budgets and projecting state aid, that the

17 Department of Education relies on those -- the ASSA

18 documents that I just showed you. Is that correct?

19 A No, they actually don't. They actually reply --

20 They actually rely on the long range facility plan

21 report that's filed by a demographer. And -- And it's

22 based on the projections the demographer made. The

23 sour -- And whatever source the demographer used.

24 You're not required to use the ASSA source. For

25 example, there are school districts --

1 Q Well.

2 A Okay. The answer is -- The answer is no, they
3 don't rely on this.

4 Q For -- For projecting state aid, you're --
5 you're saying that --

6 A Oh.

7 Q -- the Department relies on something other
8 than those ASSA --

9 A No, the Department -- Okay. There's a lot of
10 things -- A lot packed into that question. The answer
11 to your question on the surface is yes. For state aid,
12 yes. When you're -- Yes.

13 Q For state aid, yes, they rely on --

14 A The ASSA.

15 Q -- the ASSA.

16 A Correct.

17 Q Which is the document that I just showed you.

18 A That's correct.

19 Q They do not rely on the document that you
20 relied on for Table 1. Is that correct?

21 A No.

22 Q For projecting state aid. Okay.

23 A It's a very difficult question to answer.

24 Q All right. Turning now to the non-public
25 numbers in Table 1 of your report, on Page 1.

1 A Yes.

2 Q Okay. So these numbers represent the number
3 of students who are parentally placed in non-public
4 schools. Is that correct?

5 A No. That's not correct. Those are students who
6 attend non-public schools. Placed indicates that --
7 They're not placed, they go. They attend.

8 Q Well. These non-public numbers in Table 1,
9 they represent students whose parents enrolled them in
10 non-public schools.

11 A That's a correct statement.

12 Q Okay. And again, you don't have any source
13 listed for these numbers in your report, for the non-
14 public student numbers in Table 1. Is that correct?

15 A Right.

16 Q Okay. And you testified on the 5th, that you
17 were retained in this matter by the Petitioners to do a
18 5 year enrollment projection based on historical
19 analysis of both public and non-public schools. Is
20 that correct?

21 A That's correct.

22 Q And looking at your CV, which has been marked
23 for identification as P-20. I don't know if --

24 A Can you repeat that. Looking at my what?

25 Q Your -- Your CV. Your resume.

1 A Oh, my CV. Yeah, okay.

2 Q Right. Which has been marked as P-20. Your
3 CV does not indicate that you've ever -- Your CV does
4 not indicate that you've ever conducted demographic
5 studies for non-public schools. Is that correct? Yes
6 or no.

7 A That's not -- That is not correct.

8 Q Your CV does indicate that you have?

9 A When I -- There are some public school dis -- When
10 I put down an enrollment projection -- We're dealing
11 with about 200 things on that list. Okay. Sometimes a
12 public school district will ask me to project student
13 -- their non-public school -- Sometimes I just include
14 them in my projection. So the answer to your question
15 is -- The answer to your question is, yes, I do
16 project. I don't put down private schools, I just put
17 down the district I work for. I'm not commissioned by
18 non-public schools, but a public school entity will ask
19 me to look at certain attend -- children attending non-
20 public schools in their district.

21 Q Okay. And you testified that the data, the
22 figures in Table 1 for non-public students, that that
23 data comes from the Department of Education Office of
24 Non-Public Schools. Is that correct?

25 A That's correct.

1 Q And in generating your report here, you did
2 not consider that non-public schools self-report these
3 enrollment figures to the district. Is that correct?

4 A Typically they don't. The answer is, yes they
5 don't.

6 Q They don't self-report them.

7 A They can or they can't. Some do, some don't.
8 They're not under any obligation to do it.

9 Q But in New Jersey they self -- Isn't it true
10 that in the State of New Jersey, the non-public -- And
11 in -- in Lakewood, the non-public schools self-report
12 these enrollment figures to the district.

13 A I'll make the assumption they do because they got
14 the data. So.

15 Q But you don't know.

16 A Yeah.

17 Q Okay. And then, so you don't know that the
18 district then reports these enrollment figures to the
19 Department of Education, which then compiles this data?

20 A I don't know what the procedure is in Lakewood.

21 Q Okay. And you didn't -- So then you didn't
22 consider the fact that these non-public numbers are not
23 audited.

24 A I assumed that. No.

25 Q So if kids were getting bused in from other

1 communities or other states to attend Lakewood non-
2 public schools, these students might have been counted
3 in these non-public enrollment numbers in Table 1. Is
4 that correct?

5 A I assume there's a percentage of students coming
6 into the district from out of district.

7 Q And from out of state.

8 A Out of state, I have no way of knowing that.

9 Q And students coming in from out of district
10 or out of state, they would be counted in the non-
11 public numbers without their families having to pay
12 municipal taxes. Is that correct?

13 A Going to non-public schools?

14 Q Yes.

15 A Yes.

16 Q Okay. All right. All right, so looking at
17 Table 1, the row that says, your 2011/2012.

18 A Right.

19 Q If you subtract the number of public school
20 students here, 5229, from the total number of school
21 age children, SAC, 25,006, that results in the non-
22 public number that you have listed in that row, 19,777.
23 Is that correct?

24 A That's correct.

25 Q Okay. And in fact, isn't that true for each

1 row in Table 1? If you --

2 A Yes.

3 Q Okay. So between 2011 and 2017, there were
4 no children that were home-schooled in Lakewood?

5 A I assume there were.

6 Q But it's possible that there were.

7 MR. GROSSMAN: He said he assumed there were.

8 THE COURT: I think he said -- I think he
9 said that there were.

10 BY MS. PRAPAS:

11 Q Okay. All right. So turning to Table 2. So
12 this table is your projection of the public and non-
13 public enrollments --

14 A Correct.

15 Q -- in -- in Lakewood in the future. Is that
16 right?

17 A That's correct.

18 Q Do I understand that right? Okay. To
19 generate these projections you rely on a template that
20 you use.

21 A Yes.

22 Q Which is in Table 3, is that your template
23 that you use?

24 A Yes.

25 Q Okay. And looking at Table 3, again, you

1 don't cite any source for the data in this table. Is
2 that correct?

3 A For the historical data, no. For the historic --
4 For the historical data, yes. There's no reference for
5 the projected there because they're my projections.

6 Q Right. But for the historical data, there
7 is no source cited.

8 A No reference. Yes.

9 Q Okay. So looking at Table 3 on Page 3, if we
10 look at the top row, the second column from the far
11 right. It says, "P-K." Is that correct?

12 A Correct.

13 Q And that stands for pre-kindergarten
14 enrollment. Is that correct?

15 A That is correct.

16 Q And there is an empty box on the row for the
17 2012/2013 school year for Pre-K enrollment. Correct?

18 A Correct.

19 Q So there were no Pre-K students enrolled in
20 Lakewood in that year?

21 A No. There was just no data that I could find. I
22 didn't say that -- It's not to say there weren't. I
23 just didn't get the data. I couldn't get it from the
24 District. And I couldn't get it -- I couldn't find it
25 in the State numbers, in the data tables that I used.

1 Q Okay. And I'm going to approach the witness
2 with what is marked for identification as R-6.

3 (R-6 marked for
4 Identification)

5 A Yes. I see in that 56.0.

6 Q Okay. Well, hold on a second.

7 A Yeah.

8 Q Do you recognize this document?

9 A Yes, I do.

10 Q What is it?

11 A It's a -- It's a district wide summary. It's a
12 district wide summary of the 2012/13 enrollment.

13 Q Okay. So this is the fall survey data? Is
14 that correct?

15 A Yes. It's a summary -- a summary of such.

16 Q Okay. And if you look at -- Well, strike
17 that. This is enrollment data that the district inputs
18 into it's software and submits to the Department of
19 Education. Is that correct?

20 A Correct.

21 Q Okay. And if you look at the top row, Ocean
22 County Pre-school Full Day all the way to the far
23 right, it says 56 there. Is that correct?

24 A Correct.

25 Q Okay. So that number, 56, should be in that

1 empty box in Table 3 of your report. Is that correct?

2 A Right. It --

3 Q And if you add all the boxes on that
4 2012/2013 row, if you add them all together, that
5 should give you the total on the very far right under
6 the total column, which is 5131 for total public
7 students in 2012/2013.

8 A Right.

9 Q But you didn't add the 56 Pre-K students to
10 that total. Correct?

11 A That is correct. Do you want to ask me why?

12 Q No.

13 A Okay. Okay, it's fair enough.

14 Q All right. Okay. And the fall survey data
15 total enrollment, looking at that document I just
16 showed you, what is marked as R-6 for identification,
17 that says that the total enrollment for the 2012/13 was
18 5186 students. Correct?

19 A Correct.

20 Q But your table says that there were 5131
21 public school students enrolled in Lakewood in 2012
22 through 2013. Yes --

23 A Is that a differential of 5 kids?

24 Q Yes or no. That -- Well --

25 A Are you saying 5136?

1 Q 5131 on your table.

2 A On my report.

3 Q Right.

4 A And what's the tot --

5 Q So the -- Strike that. So the numbers don't
6 match in your report and in Table 3 and in the fall
7 survey, which is marked R-6.

8 A Clarification. So you're saying the fall survey
9 says 5136.

10 Q No. I'm saying the fall survey, which I just
11 showed you, says 5186. And you just said, no.

12 A Oh, because it includes the 56 students.

13 Q Correct.

14 A Correct. Okay.

15 Q All right.

16 A Yeah.

17 Q But your table says, "5131."

18 A Okay.

19 Q So those numbers don't match. Is that
20 correct?

21 A That is correct.

22 Q All right. Turning back to Table 2 of your
23 report. For the projection year 2018/19, that row in
24 Table 2, it has listed for non-public enrollment the
25 figure 38841. Is that correct? Under non-public

1 enrollment for 2018/2019?

2 A Yeah. 38841, right. Correct?

3 Q Okay. And but if you turn to Table 4 of your
4 report, on Page 4, and compare these two documents --
5 or these pages. Sorry.

6 A No, that's all right.

7 Q Page 2 of your report and Page 4.

8 A That's -- That's a typographical error. It's a
9 typo.

10 Q Okay. Hold on a second.

11 A It's a typo.

12 Q So on Table 4, where you have the total
13 projected number of non-public students for the
14 2018/2019 school year, it says, "33841." Correct?

15 A Hang on. Yes, it does.

16 Q Okay. So that number does not match the
17 number that you have in Table 2. Correct?

18 A Yes, Table 4 is correct, Table 2 is not.

19 Q All right. So you have two different
20 projected enrollments that are off by 5,000 students in
21 two different tables for the 2018/2019 school year. Is
22 that correct?

23 A Yes, but it is absolutely typographical error.

24 Q Okay. Your report purports to describe a
25 substantial increase in both the numbers of public and

1 non-public school --

2 A I'm sorry. Can you say that again? I --

3 Q Sure. Your report purports to describe a
4 substantial increase in both the numbers of public and
5 non-public school enrollments.

6 MR. GROSSMAN: Objection, Your Honor. I
7 object to the use of the word substantial without a
8 definition.

9 MS. PRAPAS: Well, I think he uses that word
10 on Page 2, below Table 2. That's the language from his
11 report. I'll read the language from the report. It
12 says, "The increase in both the public and non-public
13 schools is continuing and substantial." Is that what
14 your report says Dr. Haber?

15 THE WITNESS: In my opinion, it is. And
16 that's what my report says.

17 MS. PRAPAS: Okay.

18 MR. GROSSMAN: Withdrawn, Your Honor.

19 THE COURT: Hmm. Thank you, Counsel.

20 BY MS. PRAPAS:

21 Q And you conclude in your report that there is
22 a greater need for an increase in funding, as the
23 percentage of the budget for services to the non-public
24 schools increases. Is that correct?

25 A In my opinion, that's correct.

1 Q All right. But in your report, and also in
2 your testimony on the 5th, you did not explore the
3 various possible solutions, other than the State being
4 solely responsible for paying for the projected growth
5 of Lakewood's student population. Is that correct?

6 A In my opinion, that is correct. Yes.

7 Q So you did not consider that compared to
8 other high population districts, Lakewood has one of
9 the lowest equalized tax rates?

10 A I -- I can't --

11 Q You did not consider that in your report.

12 A I can't answer that question.

13 Q Well, did you -- did you consider that or did
14 you not consider that in your report?

15 A Can you ask me the question again --

16 Q Sure.

17 A -- so I'm really clear on what I'm answering.

18 Q When you performed the analysis in your
19 report.

20 A Yeah.

21 Q Did you consider, or did you not consider,
22 the fact that compared to other high population school
23 districts, Lakewood has one of the lowest equalized tax
24 rates? Did you consider that fact or not in performing
25 your analysis?

1 A I remember -- I remember having discussions about
2 that. So I would say, yes, I considered that. I --
3 You know what, I'm going to strike that. I don't
4 remember, I really don't.

5 Q Okay. And you also testified that you --
6 Well, okay. Strike that also. And you didn't -- And
7 -- In performing the analysis in your report and for
8 your testimony, you did not consider that compared to
9 similarly sized districts Lakewood has one of the
10 lowest, if not the lowest school tax rate. Is that
11 correct? Did you consider that fact or not?

12 A I -- I would say probably not. I reviewed a lot
13 of documents. So I don't -- I don't really recall.

14 Q Okay. So you did not consider in performing
15 the analysis for your report and your testimony, that
16 the voters of Lakewood could approve to pay for non-
17 public transportation via a special question on the
18 ballot, but that they have elected not to do so.

19 A I -- I have no idea. The answer, I have no
20 opinion on that. I don't know.

21 Q So you did not consider that in your report.

22 A No.

23 Q Okay. All right. So turning to Chart 1,
24 which is Page 5. You testified that the percentage
25 change for non-public students between 2011 and 2022 is

1 roughly 50 percent. Correct, that was your testimony?

2 A Correct. Yes.

3 Q But you also acknowledge that in New Jersey
4 the non-public numbers are self-reported by the non-
5 public schools. Correct?

6 A Correct.

7 Q And you also testified that you routinely
8 considered residential construction approvals by
9 planning and zoning boards and making your projections.
10 Is that correct?

11 A That's -- Can you just ask --

12 Q Sure.

13 A I want to be precise in my answer. What was your
14 answer -- question? I'm sorry.

15 Q You testified on the 5th, that in making
16 enrollment projections, you would routinely consider
17 residential construction approvals by planning and
18 zoning boards.

19 A That's correct.

20 Q But in your report, you did not perform an
21 analysis of that here. Is that correct?

22 A That is correct.

23 Q Okay. Is it fair to say that at some point
24 population growth in a community will be capped by
25 external factors, such as available residential space?

1 A Well, I have really no way of knowing that. But
2 I assume there's just so much -- so much liquid you can
3 put into a bottle.

4 Q Okay. Turning to Table 5 of your report, on
5 Page 6. In Table 5, you itemize each year in that
6 first column there, 2015/16, 2016/17, 2017/18, 2018/19
7 --

8 A Correct.

9 Q -- 2019/20. And then it skips from 2019/20
10 to 21/22. Is that correct? So 2020 -- Strike that.
11 So, the row for the school year 2020 to 2021 is missing
12 from your report. Is that correct?

13 A It's correct. That -- That's correct.

14 Q Okay. So, it just skips from 2019/20 to
15 21/22. Correct?

16 A I don't think I do. I think that was a mistake in
17 the -- in the typing. I can't answer the que -- I did
18 -- I did not skip it. But I'm -- I can't answer your
19 question. I don't believe I skipped it.

20 Q Okay.

21 A I believe that it's dated incorrectly on here.

22 Q Okay.

23 A But I don't know for sure.

24 Q Okay. So the second column, under where it
25 says Adequacy.

1 A Correct.

2 Q That purports to project what the state --
3 Well. The first part of that column is -- purports to
4 be historical data that reflects what the adequacy
5 budget was.

6 A Right.

7 Q And then the second half purports to project
8 what the adequacy budget will be in the future.

9 Correct?

10 A It's an assumption. Yes.

11 Q The projection is an assumption. Correct?

12 A Yeah.

13 Q Okay. And in your report, on the footnote on
14 Page 11 --

15 MR. GROSSMAN: I'm sorry. Where are we?

16 MS. PRAPAS: Page 11 of Dr. Haber's report,
17 Footnote 1.

18 MR. GROSSMAN: Thank you.

19 THE WITNESS: Yes.

20 BY MS. PRAPAS:

21 Q Okay. In that footnote, you define adequacy
22 budget as what the state determines is the minimum
23 funding level required to provide a thorough and
24 efficient education. Is that correct?

25 A That's what I believe it to be. Yes.

1 Q But the term adequacy budget is not defined
2 that way in the SFRA at N.J.S.A. 18A:7F-51. Is that
3 correct?

4 A Well, it's a much more in-depth explanation. So
5 yes, your answer is correct.

6 Q So -- So that's your definition, not the
7 official definition of adequacy -- of what the adequacy
8 budget is.

9 A It's a definition I put in here. I mean.

10 Q Okay. And you're not an expert in state aid.

11 A I am not an expert in state aid.

12 Q Okay. You are familiar with the Department
13 of Education publication called, Formula For Success?

14 A Yes.

15 Q Okay. So, you were aware that the way you
16 have defined Adequacy Budget, in Footnote 1 and on Page
17 11 of your report, that this is not how the Department
18 defines Adequacy Budget in the Formula For Success.
19 Correct? If you --

20 A I -- Yes. Yes.

21 Q Okay. So, the adequacy budget is not
22 actually a type of funding, but it's a theoretical
23 construct. Is that correct?

24 A That is correct. Yes.

25 Q And the adequacy budget is an estimate of

1 what it might cost to provide a district's students
2 with a thorough and efficient education, or a T and E.

3 A That's -- That's correct.

4 Q An estimate. Okay. Okay, I'm going to go up
5 to the -- this easel here.

6 MR. LANG: Your Honor, are we going to -- are
7 we going to mark the drawing?

8 THE COURT: We will as soon as there's
9 something to mark.

10 MR. LANG: Okay. Okay.

11 BY MS. PRAPAS:

12 Q So you testified on February 5th, that you
13 understood that the funding formula was equalization
14 aid equals adequacy minus what the township can raise.
15 Those were your words.

16 A That's my understanding.

17 Q Okay. (Writing on board) Okay, so according
18 to the Department of Education's Formula For Success,
19 the calculation of a district's aid allocation is
20 actually what you testified to on the 5th, equalization
21 aid equals the adequacy budget minus the local fair
22 share. But it also includes categorical aid and other
23 state aid, such as 192 and 193 funding. Is that
24 correct?

25 A I -- I can't testify to that.

1 Q Okay. I -- And you testified that -- As you
2 testified on the 5th, that you were not an expert in
3 state aid.

4 A That is --

5 Q Only in demographics. Correct?

6 A That's correct.

7 Q Okay.

8 MR. LANG: I believe I can see what you're
9 reading from?

10 MS. PRAPAS: No, this is my notes.

11 MR. GROSSMAN: That's her work product.

12 THE COURT: That's her work.

13 MR. LANG: Oh, I'm sorry.

14 BY MS. PRAPAS:

15 Q But you do understand that the adequacy
16 budget is not the total amount of funds that is
17 provided to educate students at Lakewood.

18 A Yes, I do.

19 Q Okay. And in your report, on page -- Well,
20 Table 5, Page 6. You do not describe in your report
21 your methodology for projecting the future adequacy
22 budget. Is that correct?

23 A That's correct.

24 Q And you do not cite your source for
25 historical adequacy budgets. Correct?

1 A That is correct.

2 Q So we have no way to verify if those numbers
3 are correct.

4 A Not from my report. No, but -- No, you'd -- No.

5 Q And you hold the adequacy budget flat in
6 Table 5, from 2017/18 all the way through 21/22.
7 Correct?

8 A Correct.

9 Q But the adequacy budget will change from
10 year to year, if the student LEP population enrolled in
11 Lakewood changes. Isn't that correct?

12 A That is correct.

13 Q And it will change from year to year if the
14 student at-risk population enrolled in Lakewood also
15 changes.

16 A That's correct.

17 Q Okay. Okay, so looking at the tuition and
18 transportation columns in Table 5. You do not describe
19 anywhere in your report what tuition, in your Tuition
20 Column, Table 5, Page 6, refers to. Is that correct?

21 A Correct.

22 Q And you testified on the 5th, that tuition is
23 what the school district has to pay for publicly
24 enrolled students not attending the public schools. In
25 other words, out of district placements.

1 A Yes.

2 Q Was that your testimony?

3 A Yes, yes.

4 Q But you did not mention that tuition also
5 includes funds for publicly enrolled special education
6 students who are attending Lakewood Public Schools.

7 MR. LANG: What was the question?

8 THE WITNESS: I can't -- I don't know how to
9 answer that question.

10 BY MS. PRAPAS:

11 Q Okay. You didn't mention in your testimony
12 that tuition also includes costs for publicly enrolled
13 special education students who are attending Lakewood
14 Public Schools.

15 A I testified to that? I --

16 Q Strike that.

17 A I'm sorry. The question doesn't make any sense to
18 me.

19 Q Okay. All right. To the extent that some
20 costs in the tuition column are for in district special
21 education students, some of that budget is included in
22 the adequacy budget. Is that correct?

23 A I -- I'm going to say I don't know because I don't
24 think I really understand your question fully. I'm not
25 being hard here, I just really don't.

1 Q That's -- That's okay. All right. So two-
2 thirds of the cost for tuition is special ed's census
3 tuition, and that is accounted for in the adequacy
4 budget. Correct?

5 A I don't know.

6 Q Okay. So it's possible that you're double
7 counting some of the tuition here in -- because it's
8 also included in the adequacy budget. Is that correct?
9 And I just want to reflect --

10 A I don't -- I don't believe that to be true. But I
11 don't -- I don't know that for sure. I'd have to break
12 it down.

13 Q Okay. But you didn't break it down here.

14 A No.

15 Q Okay. And you don't cite any sources for the
16 data found in your tuition column here. Correct?

17 A Correct.

18 Q And you don't site any sources for the data
19 found in your transportation column. Correct?

20 A That's correct.

21 Q And projections are only as reliable as the
22 historical data that they build upon. Is that correct?

23 A That is correct.

24 (Ripping Paper)

25 THE COURT: Mr. Lang.

1 MR. LANG: I'm sorry.

2 BY MS. PRAPAS:

3 Q And you testified on the 5th of February that
4 in calculating your projections, in Table 5 here and
5 throughout your report, you made an assumption that all
6 things will remain the same. Is that correct?

7 A Say that -- I'm sorry. Say that again.

8 Q Well, we'll just talk about Table 5. You
9 testified on February 5th, that in -- in making these
10 projections, you assumed that all things in -- remain
11 the same. That was your words in your testimony on the
12 5th.

13 A That all things remain the same? Does that
14 include enrollment? Because if that's the case, the
15 answer is no. Things will not remain the same,
16 enrollment's increasing.

17 Q Other than enrollment. Other factors.

18 A No, it can't. If I said that, then I was
19 incorrect. Because if you have more kids you need more
20 resources. So how can you say anything remains the
21 same? I -- You know, I'm not sure how that question
22 was asked the last time.

23 Q All right.

24 A But I would never have said -- Or I should never
25 have said that.

1 Q So, you projected an increase in enrollment,
2 but you didn't project an increase in the adequacy
3 budget?

4 A That's correct.

5 Q Okay. And you are aware that the LSTA pilot
6 program is set to expire next year?

7 A Remind me what that one is. I -- Remind me what
8 that is.

9 Q I'll just leave it at that. You did not
10 consider the impact on transportation costs in Table 5
11 of your report, if the LSTA pilot program were set to
12 expire. That's not something you considered.

13 A Yeah, I did a -- Yeah, that's just -- just --

14 Q In Table 5.

15 A Yeah, I know. Just bear with me a second here.
16 In Table 5.

17 Q The transportation column.

18 A No, no. I'm looking. I'm just trying to look for
19 some terminology.

20 Q And just to clarify for the record --

21 A To answer to the question is that I -- I -- that I
22 did not consider -- I don't believe that I considered
23 that expiring.

24 Q Okay.

25 A I thought it was expiring 3 years down the road,

1 if that's the case. Maybe I had my ears -- But no, I
2 did not.

3 Q Okay. And in Table 5 for the transportation
4 cost, you didn't consider what the impact on these
5 costs would be if the municipality were to build a
6 bridge over Route 9 for students to walk across.

7 A Absolutely not.

8 Q Okay. And you testified on the 5th, that you
9 got these numbers, these historical transportation and
10 tuition numbers in Table 5 of your report, from the
11 Lakewood School District. Is that correct?

12 A Yes. From the business office. Yes.

13 Q And who at the business office?

14 A Was it Ms. Robinson? I -- Is that who it was at
15 the time?

16 Q That would make sense. Yes.

17 A Yeah.

18 Q So she provided you with the user friendly
19 budget. Is that correct?

20 A No, she provided me with -- I don't have it with
21 me. Excuse me. I was provided with District summary
22 forms. They weren't official forms, they were just
23 District summary forms. Well, not just, but that's
24 what they were.

25 Q Okay. Okay, and you have no idea whether the

1 District summary form is something that was provided to
2 the Department of Education?

3 A No, I have no way of knowing that.

4 Q So, we have no way to verify those number --
5 that those numbers are accurate. Correct?

6 A I would assume -- No, I cannot verify them.

7 Q Okay. Just give me one second here to
8 collect my thoughts.

9 (Phone Rings)

10 THE COURT: Yes. Okay. Hold on one second.
11 Mr. Inzelbuch apparently is calling through his office.
12 He wants to know which Lakewood witnesses are coming
13 today and at what time. Sorry, Doctor.

14 MR. LANG: He asked me to text him. I text
15 him, I emailed him. All right. So, the -- I -- Let me
16 just check my text that I sent him. And --

17 THE COURT: Can you just answer the question?

18 MR. LANG: Malka Spitz-Stein at 11:15.

19 THE COURT: Malka Spitz-Stein at 11:15.

20 Malka Spitz-Stein. Correct.

21 MR. LANG: There's more.

22 THE COURT: We're waiting. Who else?

23 MR. LANG: Marcy Marshall at 1:30.

24 THE COURT: Marcy Marshall at 1:30.

25 MR. LANG: Okay. And one more. Assuming

1 that -- Well, we'll be back from lunch.

2 THE COURT: Do I have any conference calls
3 this afternoon?

4 MR. LANG: Jen, is that?

5 MS. PRAPAS: The Judge's call.

6 THE COURT: Okay.

7 MR. LANG: Your Honor, Ms. Marshall I want
8 when we come back from lunch. So I don't know what
9 time lunch is. 1:30, I'm assuming.

10 THE COURT: Okay. Anybody else? Just list
11 --

12 MR. LANG: Yes, and Randy Holmes (phonetic).

13 THE COURT: Randy Holmes.

14 MR. LANG: At 3.

15 THE COURT: Randy Holmes at 3 o'clock. Yeah,
16 I guess so. Yeah, 4:30. That's the only three.
17 Right?

18 MR. LANG: Those are the three. Yes.

19 THE COURT: Those are the three. So you can
20 tell him those are the three. All right. Thanks.
21 Sorry. Sorry to interrupt your cross examination.
22 Okay.

23 BY MS. PRAPAS:

24 Q All right. It was a good timing actually.
25 All right. Okay. So the transportation and tuition

1 costs in your Table 5. These num -- figures can be
2 found in the user friendly budget. Is that correct?

3 A No, they came from the District, directly from the
4 District.

5 Q So that's where you found them. But they can
6 also be found in the user friendly budget. Correct?

7 A Yes, I assume so.

8 Q Okay. So you're aware that districts input
9 their budget into something called, quote, "The Budget
10 Software," unquote.

11 A Yeah.

12 Q To facilitate review by the ETS. Correct?

13 A Yes. Hm hmm.

14 Q And if you can look at -- I'm going to bring
15 up P-5. I'm sorry, this is double sided.

16 A No problem. That's okay.

17 Q It's just kind of --

18 THE COURT: P-5?

19 MS. PRAPAS: Yes. P-5.

20 THE WITNESS: Show me the --

21 MS. PRAPAS: The -- This is the -- P-5 is the
22 2017/18 User Friendly Budget Summary.

23 THE WITNESS: Okay. All right.

24 (P-5 marked for
25 Identification)

1 BY MS. PRAPAS:

2 Q And on the first page here is Enrollments.

3 Is that correct?

4 A Correct.

5 Q Okay. And if you turn to Page 2. This
6 begins the Advertise Revenue Section. Correct?

7 A Got it. Hm hmm.

8 Q And this is the money that comes into the
9 district from various sources.

10 A Yes.

11 Q Correct?

12 A Correct.

13 Q And then if you turn to Page 5. This begins
14 the Appropriations Section, which basically mean --
15 basically means expenditures, district expenditures.

16 A That's correct.

17 Q Okay. And on the Appropriations, Page 5,
18 there are five columns listed across the top. The
19 first is Budget Category, the second is Account. Then
20 it has 2015/16 Actual, 2016/17 Revised, --

21 A Okay.

22 Q -- and 2017/18 Anticipated. Is that correct?

23 A That's correct.

24 MR. LANG: What page are we on? Excuse me.

25 MS. PRAPAS: Yes.

1 MR. LANG: What page are we on right now?

2 MS. PRAPAS: On Page 5 --

3 MR. LANG: Here we are.

4 MS. PRAPAS: -- of P-5.

5 MR. LANG: Thank you.

6 BY MS. PRAPAS:

7 Q Okay. So this -- this third column in the
8 middle, 2015/16 Actual. Those were the actual
9 expenditures by the District --

10 A Correct.

11 Q -- in each of these budget categories during
12 that year.

13 A Correct.

14 Q And the 2016 Revised is a midyear count from
15 the -- from when the budget was generated. Correct?

16 A I assume so.

17 Q And revised means -- Sorry, strike that. And
18 the 2017/18 Anticipated budget is a projection, an
19 estimate. Correct?

20 A That's correct.

21 Q All right. So the most accurate data for the
22 2015/16 tuition cost can be found on Page 5 -- or P-5,
23 the 2017/18 User Friendly Budget, because it shows what
24 the actual expenditures were in 2015/16. Correct?

25 A Right. Hm hmm. Yes.

1 Q So, because that is what is actually was
2 spent that year. Correct?

3 A I assume so. Yes.

4 Q All right. So, in looking at the actual
5 costs data for 2015/16, the actual amount of money
6 spent on tuition in that year would be reflected in the
7 row about half way down, which is "undistributed
8 expenditures instruction tuition."

9 A Correct.

10 Q And that figure for 2015/16 Actuals,
11 28,137,315. Correct?

12 A Right. Hm hmm.

13 Q But that is not the number that you have
14 listed on your Table 5 for tuition costs. Correct?

15 A Yeah. My -- The answer's no. It's off by about 3
16 Hundred Dollars.

17 Q Okay. By 3 Hundred Dollars?

18 A I'm sorry -- 28 -- Which number are you looking
19 at, this one?

20 Q This first -- This is the 2015/16 Actual.

21 A I understand. Is this the number? The 28 Million
22 you're looking at?

23 Q Correct. 28,137,315.

24 A Okay. Okay, and I guess my number was -- 2016/17.
25 Actually, no. My number was 28, 4 -- 28,457,996.

1 Right?

2 Q For the 2016/17 school year that's the
3 number.

4 A Yeah, right.

5 Q Correct.

6 A Yeah, right.

7 Q But we're talking about the actual cost --

8 A Oh, 2015. Okay. Okay.

9 Q -- for 2015/16

10 A All right.

11 Q So it's about 3 Million Dollars off.

12 A Yeah, I'm 3 Million Dollars low of --

13 MR. LANG: 3 Million? Pardon?

14 MS. PRAPAS: Yes.

15 MR. LANG: Again. Can I hear the question?

16 MS. PRAPAS: Sure. So looking at what is --

17 Looking at P-5, the 2015/16 actual cost for that year,
18 for undistributed expenditures for tuition, that figure
19 is 28,137,315. Correct?

20 MR. LANG: That's -- Yes.

21 THE WITNESS: Okay.

22 MS. PRAPAS: Right. You see that?

23 MR. LANG: Hm hmm.

24 THE COURT: Mr. Lang, she's not asking you
25 the questions.

1 MR. LANG: Oh, yeah. I thought she was --
2 I'm sorry.

3 MS. PRAPAS: All right. I apologize. I just
4 wanted to make sure he's looking at the right thing.

5 THE WITNESS: Okay.

6 BY MS. PRAPAS:

7 Q Okay. So. Okay, so turning to -- Let's see.

8 THE COURT: So, that's about 3 Million
9 Dollars difference.

10 THE WITNESS: I'm sorry.

11 MS. PRAPAS: Correct.

12 THE COURT: About 3 Million Dollars
13 difference?

14 THE WITNESS: Yeah, yeah.

15 THE COURT: Plus or minus.

16 BY MS. PRAPAS:

17 Q Okay. So if we could turn to what is marked
18 as R-4 for identification. And what is this document
19 here? Oh, sorry. Thank you.

20 (R-4 marked for
21 Identification)

22 A Advertised enrollments.

23 Q So this is the 2016/17 User Friendly Budget.

24 A Right.

25 Q So this is the year prior to the one that I

1 just showed you, which is P-5.

2 A Right. Okay.

3 Q Okay. So turning to Page 5. Your tuition
4 figure in your Table 5, for the row 2016/17, is
5 28,457,996.

6 A Right.

7 Q Correct?

8 A Hm hmm.

9 Q So that comes from the 2015 -- Strike that.
10 That matches the 2015/16 revised column --

11 A Correct.

12 Q -- for tuition expenditures on R-4.

13 A Okay.

14 Q But that's not the same as actual costs.
15 That's the revised numbers. Correct?

16 A Yeah. I get it. Hm hmm.

17 Q So. And the 2015/16 revised budget is not
18 the same thing as the actual tuition costs for what you
19 -- for 2016/17, where you have them listed in your
20 report. Correct?

21 A I assume so. These -- Okay.

22 Q They are totally different years? Is that
23 correct?

24 A Yeah.

25 Q Okay. Okay, here. And then in your Table 5,

1 your projections for years 2018/19, 2019/20, and
2 skipping over to the year 2021/22. Because you left
3 out 2020/21. These projections are based on the
4 figures in Table 5 that do not match the actual tuition
5 cost for those years. Is that correct?

6 A Based upon what you're looking at, the answer's
7 yes.

8 Q Okay. So move -- But again you did not list
9 the data source in -- in your report. Correct?

10 A Correct.

11 Q All right. Moving on to the transportation
12 column in Table 5 on Page 6 of your report. In Table 5
13 -- Rather, below Table 5, you state in the Narrative
14 section there that you "used the average cost of
15 transportation over the past 3 years to project how
16 much those services could cost the District into the
17 future." Is that correct?

18 A Correct.

19 Q So isn't it true that if non-public schools
20 were built closer to students' homes that this would
21 also reduce future transportation costs to the
22 District?

23 A Can you repeat that question please?

24 Q Sure. Isn't it true that if non-public
25 schools were constructed closer to students' homes that

1 this would reduce the future transportation cost to the
2 District?

3 A If they didn't meet eligibility -- If they did not
4 meet eligibility requirements for transportation, the
5 answer's yes.

6 Q Okay. Or if parents elected to send their
7 children to non-public schools closer than where they
8 are currently sending them, that that would also reduce
9 future transportation costs to the District. Correct?

10 A Yeah. Again -- Again, if they don't meet -- if
11 they meet -- if they don't meet eligibility cri -- it
12 should be less transportation, less cost.

13 Q Okay. Or if some of these projected new
14 students live in the same house, and could therefore
15 possibly share a bus route, that could also impact the
16 transportation cost projection.

17 A Yes. The less kids you transport, the less
18 transportation costs there are.

19 Q Or again, by building a pedestrian bridge
20 over Route 9 so kids could walk to school. That would
21 reduce the cost.

22 A That's a question that's not answerable.

23 Q Okay. So you didn't consider any of those
24 things in your report in generating --

25 A No. Because they don't -- I don't consider what

1 doesn't exist.

2 Q Okay. All right. So turning to Table 6,
3 which is on Page 8.

4 A Table 6. Yes.

5 Q Yeah. All right. So the row, for the year
6 2020/21 is, again, missing from this table also.

7 A Yeah.

8 Q As it was in Table 5. Correct?

9 A That is correct.

10 Q All right.

11 A And I don't know why.

12 Q And in the Narrative section beneath Table 6,
13 it starts out, "Table 4 shows the history and
14 projection of required expenses for Lakewood students."

15 A I'm sorry. Can I just --

16 Q Sure. Take -- Sorry. So we're on Table 6 on
17 Page 8.

18 A Okay.

19 Q And I'm looking at the Narrative section
20 below the table, where it starts out, "Table 4 shows
21 the history and projection of the required expenses for
22 Lakewood students." Is that correct?

23 A I'm sorry. Repeat the question. I was not paying
24 attention. I was looking at something. I'm sorry.

25 Q Sure. No problem. In the Narrative section,

1 the first narrative paragraph on Page 8. It begins,
2 "Table 4 shows the history and projection of required
3 expenses for Lakewood students."

4 A Correct.

5 Q Is that what your report says?

6 A Yes.

7 Q Okay. But what you really mean there is
8 Table 6 shows the history and projection of required
9 expenses for Lakewood students."

10 A Yes, yes, yes, yes. I'm sorry. Yeah.

11 Q Okay. And in comparing Table 6 to Table 5,
12 which we were just looking at, the tuition numbers
13 should match on both of those tables. Correct? So for
14 2015/16 -- Oh. So the tuition numbers should match on
15 those tables. Correct?

16 A Yes.

17 Q But they don't match.

18 A Correct.

19 Q The adequacy column, those figures all match.
20 Correct?

21 A Correct.

22 Q And the transportation figures in Table 6
23 match the transportation figures in Table 5. Correct?

24 A Correct.

25 Q But the tuition column, those figures don't

1 match.

2 A That's correct.

3 Q And the tuition numbers on Table 6 still
4 don't match the actual expenditures on R-5 --

5 THE COURT: Mr. Lang. Your comments are
6 going to get picked up --

7 MR. LANG: Sorry.

8 THE COURT: -- and the record's going to be
9 indecipherable.

10 MR. LANG: Sorry.

11 THE WITNESS: Correct.

12 BY MS. PRAPAS:

13 Q -- for 2015/16. Okay. Is that correct?

14 A Correct.

15 Q But the data on Table 6 matches the revised
16 and anticipated budgets, which do not reflect the
17 actual amounts spent in those years.

18 A Correct.

19 Q So Table 6 concludes that there is a total
20 required amount which you define in the Narrative
21 section below as, quote, "What would actually be needed
22 to provide services for the growing number of students
23 in Lakewood." End quote.

24 A That is --

25 Q Is that correct?

1 A That is correct.

2 Q But isn't it true that a portion of tuition
3 costs are actually included in the adequacy budget?
4 Is that correct?

5 A No, ask me that question again. Ask me the
6 question again, please.

7 Q Okay. But isn't it true that the special ed
8 costs are actually accounted for in the adequacy
9 budget? Part of them, the census part, the census
10 based part of the special education costs are included
11 in the adequacy budget. Is that correct?

12 A I -- I assume so. Yes.

13 Q Okay. So, all right, if -- If we could turn
14 to what is marked as R-17 for identification, which is
15 the Formula For Success. All right. Here. And if you
16 could turn to Page 20 to 21. And you already testified
17 that you're familiar with this document. Right?

18 A Hm hmm.

19 THE COURT: Is that a yes?

20 MS. PRAPAS: Is that a yes, Dr. Haber?

21 THE WITNESS: Yes, yes. I'm sorry. Yes.

22 (R-17 marked for
23 Identification)

24 BY MS. PRAPAS:

25 Q So at the very bottom, the last sentence on

1 that page. Does this -- Doesn't this say that "The
2 Census based cost for general special education is
3 prorated since only two thirds of this portion will be
4 included in the wealth equalized adequacy budget."
5 Correct?

6 A It says that. Yes.

7 Q Okay. And in your report, per Table 6, your
8 Services column includes OT, PT, and Speech. Correct?
9 As you've designated --

10 A Yes, yes.

11 Q -- with an asterisk.

12 A Yes, yes, yes.

13 Q But isn't it true that the Formula For
14 Success on the top of Page 21 states that for Speech
15 students, the entire cost is funded in the adequacy
16 budget? I'll walk up and show it to you again. Sorry.

17 A Yes.

18 MR. LANG: What page is that?

19 MR. GROSSMAN: 6.

20 MS. PRAPAS: So we're on Page --

21 MR. LANG: Oh, I'm sorry.

22 MS. PRAPAS: -- 21 of the Formula For Success
23 at the very top of the page, after footnote 17. Up --
24 The first line says, "For Speech students -- " Oh,
25 sorry. Hold on. That's not where we're reading from.

1 Here. The second line down. Well, I'll read the whole
2 sentence. "For Speech students, the Speech excess cost
3 is multiplied by the state average Speech
4 classification rate and district enrollments. And the
5 entire cost is funded in the adequacy budget." Is that
6 what that says?

7 THE WITNESS: Yes.

8 BY MS. PRAPAS:

9 Q Okay. So in your report in Table 6, you --
10 you separated out the cost for those services from the
11 adequacy budget. Correct?

12 A Correct.

13 Q So you count the cost of some services, both
14 in the adequacy column and then again in the services
15 column.

16 A So, just -- just for clarification, can I just for
17 clarification, ask something back? Just to -- I just
18 want to know what you're saying.

19 Q Oh.

20 THE COURT: You don't get to ask the
21 questions.

22 THE WITNESS: I'm sorry.

23 THE COURT: But if you don't understand the
24 question.

25 THE WITNESS: I don't understand the

1 question. Thank you. I'm sorry.

2 BY MS. PRAPAS:

3 Q So two-thirds of the cost for special
4 education are included in the adequacy budget.

5 Correct? For --

6 A According to what we just read, yes.

7 Q Okay. So the tuition cost should not be
8 separated out completely from the adequacy budget.

9 Correct?

10 A I don't -- I don't add -- No, I don't know.

11 Q And because the entire cost for Speech
12 students is funded in the adequacy budget, that should
13 not be separated out in the services column, as you
14 have it here. Is that correct?

15 A I don't know. Again, based upon the data
16 received, I don't know.

17 Q Okay. So it's possible that you're double
18 counting costs in both the tuition and the services
19 column. Correct? Because they're counted in the
20 adequacy budget also.

21 A It's possible.

22 Q Okay. And on February 5th, you testified
23 that when -- that quote, "When we looked at the
24 District's budget, we found out that these services
25 included OT, PT, and Speech." Correct?

1 A Yes.

2 Q Who is --

3 A That I said. Yes.

4 Q Who is we?

5 A We?

6 Q Yes.

7 A Okay. I -- I work with Arthur.

8 Q Okay. All right. Turning back to Table 5.

9 You define Other Services in the Narrative section

10 below as -- I'm sorry. On Table 6. My -- I'm sorry.

11 A Okay. Thank you.

12 Q Table 6. You define Other Services as,

13 "Additional services provided to Lakewood children."

14 Correct?

15 A Yes.

16 Q But your report doesn't specifically describe

17 what those other services are. Correct?

18 A Correct.

19 Q So there's no way to account for what this

20 number is by looking at your report.

21 A That's correct.

22 Q But you testified that you got this number

23 from the District?

24 A Correct.

25 Q And this number for other services can also

1 be found in the User Friendly Budget. Correct?

2 A Correct. I -- If I said so, yes.

3 Q But you admitted when you testified on
4 February 5th that you couldn't explain what that number
5 for other services represented. Correct?

6 A Yes, I said that. Yes.

7 Q Okay. And you didn't consider in your report
8 what source of funding covered these expenses.

9 Correct?

10 A That's correct.

11 Q Okay. And you conclude at the very bottom of
12 this page, below Table 6, that over -- This is the very
13 last sentence. "Over 202 Million, 836 Thousand and 16
14 Dollars will be needed to provide services required for
15 non-public schools and to ensure an adequate education
16 for students attending the Lakewood Schools." Is that
17 what your report says?

18 A Yes, it does.

19 Q But this figure you cite here, this 202
20 Million, 836 Thousand and 16 Dollars is not reflected
21 anywhere in this table, Table 6. Correct?

22 A Correct.

23 Q Or in any other table in your report.
24 Correct?

25 A Correct.

1 Q And it's 3 Million Dollars more than the
2 highest number on Table 6.

3 A Yeah, that is correct. That is correct.

4 Q Okay.

5 A Oh well, it's --

6 Q Roughly.

7 A -- on Table 8.

8 Q Okay. That's your projection for 2021/22 --

9 A Right.

10 Q -- for what is needed, in Table 8. Correct?

11 A Right.

12 Q All right. We'll come to that in a -- in a
13 minute. And in your report, you didn't consider that
14 the legislature could take action to reduce
15 transportation costs when the LSTA pilot program
16 expires next year?

17 A That's correct.

18 Q And you did not consider that the growing
19 population of Lakewood could correspond to an increase
20 in equalized property value. Correct?

21 A Correct.

22 Q And you didn't consider that the Lakewood
23 Board of Education could raise its school tax levy.
24 Correct?

25 A That's correct.

1 Q And you didn't consider that the Board of
2 Education could ask voters to cover costs of courtesy
3 busing via special question. Correct?

4 A That's correct.

5 Q And you didn't consider that the Board of
6 Education could ask voters to pay for construction of
7 new facilities via special question. Correct?

8 A That's correct.

9 Q Yet you conclude with certainty that 202
10 Million, 836 Thousand and 16 Dollars is needed to
11 provide an adequate education for students attending
12 Lakewood Schools. Correct?

13 A That's not -- I never used the word, certainty.
14 That was my opinion.

15 Q Okay. And you testified on February 5th,
16 that if the population in Lakewood goes up 10 percent
17 that you made an assumption that expenditures in
18 Lakewood would also go up 10 percent. Correct?

19 A Incorrect. If you --

20 Q That was not your testimony?

21 A My test -- I believe my testimony would be
22 enrollment, not population.

23 Q Correct. You're right. I'm sorry. I
24 misstated that.

25 A Okay.

1 Q So you testified on the 5th that if
2 enrollment goes up 10 percent, you would assume --

3 A Yes.

4 Q -- that expen --

5 A Yeah.

6 Q You assumed that expenditures would go up 10
7 percent.

8 A Yes.

9 Q But again, you didn't consider that the
10 adequacy budget changes year to year based on the
11 number of LEP and at-risk students in the District.

12 A That's correct.

13 Q And enrollment. Correct?

14 A Correct.

15 Q Okay. So turning to Table 7. On Page 9.

16 A You know this -- There's something wrong, I'm
17 sorry, with this report.

18 Q There --

19 A Oh.

20 Q So again in this Table, the row for the year
21 2021 is omitted from Table 7. Correct?

22 A Correct.

23 Q And again, the tuition numbers don't match
24 those in Table 5?

25 A Correct.

1 Q And now the transportation numbers don't
2 match what you have in Table 6. Correct?

3 A Table 7 and Table 6? Transportation?

4 Q Right.

5 A I'm sorry. What doesn't match?

6 Q Hold on. Let me get my page here. So, the

7 A I mean, I -- Unless I'm missing something, those
8 two tables match.

9 Q Okay. Hold on one second. (Whispering out
10 of microphone range.) I'm sorry, I meant Table 5, not
11 Table 6. So the transportation cost in Table 7 don't
12 match the transportation cost in Table 5. Correct? So
13 comparing --

14 A The -- Yeah, the -- Yeah, the 2015/2016 don't
15 match. Yes. Oh, I'm sorry. The -- From this document
16 they do not match. There's a problem with the
17 document.

18 Q So, Table 5 for 2015/16 and 2016/17 does not
19 match Table 7 --

20 A That's correct. That's correct.

21 Q -- for 2015/16, 2016/17. Correct?

22 A That's correct.

23 Q All right. And below Table 7, you state in
24 the Narrative section, quote, "Table 4 provides the
25 same information as Table 4 with estimated aid."

1 Correct?

2 A It should be Table 6. I'm sorry. What page are
3 you on?

4 Q Page 9, the Narrative section below Table 7.

5 A It should be -- It should say Table 7.

6 Q Okay. Because Table 4 is the non-public
7 school students residing in Lakewood. Right?

8 A Correct.

9 Q All right. So Table 7 purports to show how
10 much money is required to educate Lakewood students
11 after you factor in the, quote, "total aid," unquote,
12 that the District gets. And when I say -- when I'm
13 quoting, I'm quoting what is listed above Column 9 in
14 Table 7. It says, "total aid." Correct?

15 A Correct.

16 Q So, in this table, you're adding the adequacy
17 budget plus tuition, transportation, services and --
18 Strike that.

19 A Right.

20 Q In this table, you're adding tuition,
21 transportation, services and other services, to get a
22 total cost to the District. Correct?

23 A Yes. Correct.

24 Q Columns 2 through 5, you add them up to get
25 Column 6. Correct?

1 A Correct.

2 Q And again, part of the special education
3 costs are included in the adequacy budget. So tuition
4 is being double counted there. Correct?

5 A Correct.

6 Q And the services, such as OT PT, are counted
7 in adequacy. So again, these are being double counted.

8 A That's -- That's correct.

9 Q All right.

10 A Okay.

11 Q So Table 7 depicts that, looking at the Aid
12 columns, after total costs, you've got transportation
13 aid and extra aid, 7 and 8, and you add those up to get
14 the total aid. Correct?

15 A Correct.

16 Q And I'm going to approach the easel again.
17 We didn't mark this. I don't know. Do I need to mark
18 this as something?

19 THE COURT: Not yet.

20 MS. PRAPAS: Okay.

21 THE COURT: Well, then -- I thought you were
22 going to write on the same thing. Then you should mark
23 that.

24 MS. PRAPAS: I can write on the same page.

25 It's okay. Okay.

1 MR. GROSSMAN: Your Honor, I hate to be a
2 pest. Could we mark -- Ms. Prapas just drew a line.
3 She's going to do something else. So could we just
4 make it like differ -- differentiate between 1 and 2
5 and what she's adding.

6 THE COURT: Then we'll mark each one
7 separately.

8 MS. PRAPAS: Okay.

9 MR. GROSSMAN: All right. Just to keep --

10 THE COURT: So. We can mark this R whatever.
11 What is -- What R number are you up to?

12 MS. PRAPAS: I think 19. This would be 19.

13 THE COURT: 19. And then make the next one
14 R-20.

15 MR. GROSSMAN: Thank you.

16 (R-19 and R-20
17 marked for
18 Identification)

19 BY MS. PRAPAS:

20 Q All right. So, your Table 7 includes
21 transportation aid and extra aid, and you add them up
22 to get total aid. Correct?

23 A Correct.

24 Q But you did not consider that the State gives
25 the District equalization aid every year. Right?

1 A Correct.

2 Q And you didn't consider that the State gave
3 the District over 15 Million Dollars in equalization
4 aid in fiscal year 15/16. Correct?

5 A Correct.

6 MR. GROSSMAN: Was that 15?

7 MS. PRAPAS: Fiscal year 15/16.

8 MR. GROSSMAN: No, how much?

9 THE COURT: How much?

10 MS. PRAPAS: Oh. 15 -- Approximately 15
11 Million.

12 MR. GROSSMAN: 15.

13 THE COURT: 15.

14 MR. GROSSMAN: Rather than 50.

15 MS. PRAPAS: Right. 15. That's correct.

16 And you didn't consider that the State gives the
17 District special education categorical aid every year.

18 Is that correct?

19 THE WITNESS: Correct.

20 BY MS. PRAPAS:

21 Q And you didn't consider that the District
22 gets transportation categorical aid every year. Oh.
23 Strike that. You had that already. Sorry. You didn't
24 consider that the State provides the District with
25 extraordinary aid. Or you did.

1 A I did. Yes.

2 Q Is that --

3 A Yeah.

4 Q So extra aid. Is that extraordinary aid?

5 A Yeah.

6 Q Okay. Because those two things are included
7 there. And isn't it true that extraordinary aid will
8 increase if the special education costs to the District
9 increase?

10 A I assume, yes.

11 Q Okay. But you hold that figure flat in
12 Column 8 for extraordinary aid for every year after
13 2016/17. Correct?

14 A Yes.

15 Q You hold it --

16 A Yes.

17 Q -- at 52200.

18 A Yes.

19 Q And you didn't consider that the State
20 provides the District with categorical security aid?

21 A Categor -- No.

22 Q And you didn't consider that the State
23 provided the District with over 2 Million Dollars in
24 categorical security aid in 2015/16. Correct?

25 A I -- Yes, ma'am. Twice, I think.

1 Q You did not consider that the State provided
2 the District with over 2 Million Dollars in categorical
3 security aid --

4 A Right.

5 Q -- in 2015/16.

6 A Correct.

7 Q And you didn't consider that the State
8 provided the District with other State aids every year,
9 such as Perkins grants?

10 A No.

11 Q So you didn't consider that the State
12 provided the District with over 3 Million Dollars of
13 other state aid --

14 A No.

15 Q -- in fiscal year of 16/17. Correct?

16 A Correct.

17 Q And you didn't consider -- tax levy
18 contribution in this Table 7. Correct? You didn't
19 consider that in Table 7. It's not represented here.
20 Right?

21 A Yeah, because we're not representing revenue in
22 any of these.

23 Q Okay. So it's not represented. Correct?

24 A Right.

25 Q But aid is revenue. Correct?

1 A I said I'm not considering. You can go through
2 that -- Yes, aid is revenue. I'm not considering it.

3 Q Okay.

4 A This is expenditure not revenue in here. Except
5 for the two aid grant -- Okay. Got you.

6 Q Okay.

7 A Yeah.

8 Q And isn't it true that the levy, the tax levy
9 contributed over 90 Million Dollars in fiscal year
10 2015/16?

11 A I -- Yes, I guess so. Yes.

12 Q Okay. And that the school tax levy is among
13 the lowest school tax rates compared to similar size
14 districts in New Jersey. Correct?

15 A I -- I don't know.

16 Q Okay. And you didn't consider that the
17 federal government provides aid to Lakewood in the form
18 of --

19 A Title loan grants. I don't know.

20 Q Yeah. Title 2, Title 3, and -- funds.
21 Correct?

22 A Correct.

23 Q And also Title 1.

24 A Yeah.

25 Q But I saw that you did have that in there.

1 A Yeah.

2 Q And you did not consider that the State
3 provides the District with preschool aid. Correct?

4 A Correct.

5 Q And you did not consider on Table 7 that the
6 State provides the District with various forms of non-
7 public aid, such as 192, 193 services?

8 A Correct.

9 Q Totaling over 15 Million Dollars in --

10 A Correct.

11 Q -- 15/16. And you didn't consider that the
12 State provides the District with non-public text book
13 aid. Correct?

14 A Correct.

15 Q And you didn't consider that the District --
16 or that the State provides the District with non-public
17 nursing aid. Correct?

18 A That's correct.

19 Q And you didn't consider that the State
20 provides the District with non-public security aid.
21 Correct?

22 A Correct. Oh, you have that up there. Oh, non-
23 security. I'm sorry. Non-public.

24 Q And you didn't consider that the State
25 provides the District with non-public votech aid.

1 Correct?

2 A What was the last one? I'm sorry.

3 Q Non-public -- Votech aid for non-public
4 students.

5 A Yeah, okay.

6 Q Okay. And you didn't consider any of these
7 in Table 7 --

8 A Correct.

9 Q -- only --

10 A Correct.

11 Q -- extraordinary aid in transportation
12 categorical aid. (Whispering out of microphone range.)
13 All right. So turning to Table 8, the final table of
14 your report. There is no Column 3 here. Correct? It
15 just jumps from Ta -- from Column 2 for adequacies and
16 Column 4 for needed. Correct?

17 A Correct.

18 Q Was this a typo or was there a column omitted
19 here?

20 A No.

21 Q It's a typo?

22 A I was -- I'm sorry, what? Can you ask the
23 question again.

24 Q So there is no Column 3. It just jumps from
25 2 to 4.

1 A Oh yeah, there was a typo. I'm sorry. Yes.

2 Q That's a typo. Okay. And you don't cite to
3 any sources for the data --

4 A No.

5 Q -- in Table 8. Correct?

6 A Correct.

7 Q And your adequacy numbers -- This goes back
8 to the Judge's question from the start of the cross of
9 Dr. Haber. The adequacy numbers in Column 2 don't
10 match the adequacy budget numbers --

11 A Yeah, we didn't change -- we didn't change those.

12 Q -- in Tables 5, 6, or 7.

13 A Never changed those. Yes. Your answer is yes.

14 Q Okay. Yes, they don't match. Correct?

15 A Yes, yes.

16 Q Okay. And the budget numbers in Column 1.
17 The most accurate figure for 2015/16 would be the
18 2015/16 actual expenditures for total general current
19 expense in the User Friendly Budget. Is that correct?

20 A Yes.

21 Q Okay. And if we turn to R-6, Page 6. Wait.
22 Sorry. Not R-6.

23 THE COURT: Do you mean Table 6?

24 MS. PRAPAS: Hold on a second. I mean P-5.

25 Yes. P-5, Page 6.

1 MR. LANG: P-5.

2 BY MS. PRAPAS:

3 Q Sorry. All right. So this is the 2017/18
4 User Friendly Budget. Correct? And looking at the
5 2015/16 actual column, with the row Total General
6 Current Expense. That figure is 127 Million, 757
7 Thousand, 739 Dollars. Correct?

8 A Yeah, yeah, yeah.

9 Q Okay. But that doesn't match what you have

10 --

11 A No.

12 Q -- in your table.

13 A No. It matches the total down here.

14 Q Okay.

15 A But then -- Okay.

16 Q So your figure that you have on Table 8 is
17 actually Half a Million Dollars more than what the
18 actual expenditures were for 2015/16.

19 A Yeah. Because it included the capital expense.
20 We probably shouldn't have.

21 Q And again, in Table 8, you have omitted the
22 line for the year 2020/21.

23 A Correct.

24 Q Is that correct?

25 A Correct.

1 Q And you arrive at the future budget
2 projections from carrying from 2018 forward to 2022, by
3 averaging the increase in the budget between 2015/16
4 and 2017/18.

5 A Correct.

6 Q Correct?

7 A Correct.

8 Q But your 2015/16 figure was Half a Million
9 Dollars higher than the actual budget. Correct?

10 A Correct.

11 Q All right. So looking at Column 2. Again,
12 you don't describe your method in this report for
13 projecting the adequacy budget. Correct?

14 A Correct.

15 Q And in addition to not describing your
16 methodology, you don't cite the data source that you
17 used to come up with the adequacy figure in your
18 report. Correct?

19 A Correct.

20 Q And looking at Column 4, the needed column,
21 you don't describe in your report what the term needed
22 means.

23 A Correct.

24 Q Yet you narrate below Table 8 that Column 4
25 indicates the amount required to educate and provide

1 services to all Lakewood students. Is that what your
2 report says.

3 A Yes.

4 Q Yet the figures in Table 8, Column 4, the
5 Needed column, do not match the historical data in the
6 Total Required column in Table --

7 A Correct. Correct.

8 Q Hold on a second. I think it's Table 6, but
9 I want to make sure. -- in Table 6. Correct?

10 A Correct.

11 Q Okay. And the total needed in Column 4
12 doesn't match the total required column in Table 7
13 either, not for the historical data.

14 A That's correct.

15 Q And not for your projections. Correct? And
16 despite not matching up, the needed column should be
17 the same as the total required columns from Table 7.
18 Correct?

19 A Correct.

20 Q And in those tables you double counted at
21 least a portion of the tuition for special education
22 and the full amount of the services. Correct?

23 A It's poss -- It's possible.

24 Q Okay. And in arriving at these Needed
25 figures you did not account for all the various types

1 of state and federal aid listed on R-20 --

2 A Right.

3 Q -- that are provided to Lakewood, in addition
4 to the adequacy budget --

5 A Correct.

6 Q -- figure on your table. And looking at
7 Column 5, the Difference column, according to your
8 narrative below, this represents how based on budget
9 estimates, the district will be underfunded in future
10 years. Correct?

11 A That was my opinion. Yes.

12 Q All right. But again, you didn't consider
13 the impact on cost if a bridge were built over Route 9.
14 Correct?

15 A Correct.

16 MR. GROSSMAN: Can we ask -- ask where on
17 Route 9 the State would like the bridge built?

18 THE COURT: No, Mr. -- You can discuss it
19 afterwards.

20 MR. GROSSMAN: Okay. Thank you, Your Honor.

21 BY MS. PRAPAS:

22 Q And you didn't consider the impact on cost if
23 voters approved a referendum to pay for courtesy
24 busing. Correct?

25 A Say that again.

1 Q You didn't consider the impact on costs for
2 transportation --

3 A No.

4 Q -- if the Lakewood voters approved a special
5 question to pay -- Strike that. You didn't consider
6 that the costs of sending students to schools closer to
7 their homes would reduce transportation costs.

8 Correct?

9 A Yes. Correct.

10 Q Okay. And you didn't consider that building
11 schools closer to students' homes could reduce
12 transportation costs. Correct?

13 A Yes. Correct.

14 Q Or that the legislature could take action to
15 reduce transportation costs when the LSTA pilot program
16 expires next year.

17 A Correct.

18 Q Or that the growing population can correspond
19 to an increase in equalized property value.

20 A Correct.

21 Q Or that the BOE could raise it's local --
22 could raise its school tax levy. Correct?

23 A The DOE? Or you said the Board of Ed or --

24 Q BOE -- the Board of Education.

25 MR. LANG: Board.

1 THE WITNESS: Yes. Correct.

2 BY MS. PRAPAS:

3 Q Or that the Board of Education could put it
4 up to voters via special question to pay for
5 construction of new facilities. Correct?

6 A Correct.

7 Q Okay. And in any of these tables you do not
8 cite sources for your data in the report. Correct?

9 A That's correct.

10 Q And in certain areas, the data does not match
11 up to potential sources. Correct?

12 A That's correct.

13 Q And there are numbers missing in some of your
14 tables. Correct?

15 A Correct.

16 Q And there is even a year missing in some of
17 the tables. Correct?

18 A Correct.

19 Q And you testified on -- Hold on a second.
20 You testified on the 5th that Lakewood's budget for
21 2017/18 is roughly A Hundred and Forty Million Dollars.
22 Correct?

23 A Correct.

24 Q And you testified that approximately 60
25 Million Dollars is being taken out for tuition and

1 transportation, leaving only approximately 80 Million
2 Dollars to educate the students of Lakewood.

3 A That's correct.

4 Q Okay. But in your accounting of costs to
5 reach that approximately 60 Million Dollar figure in --
6 in your tables, some of the costs for tuition and
7 services may have -- the accounting may have been
8 flawed due to double counting. Correct?

9 A Possible. Yes.

10 Q Okay. And you testified that your
11 conclusions as to the projected budget will mean cuts
12 to programs and curriculums --

13 A Correct.

14 Q -- for Lakewood students in the future. But
15 in your report, you didn't discuss cuts to programs at
16 all. Correct?

17 A Correct.

18 Q And you can't accurately predict how costs
19 might change, given potential changes in the community
20 and where children go to school and live, such as
21 building a bridge over Route 9. Correct?

22 A You -- I'm sorry. That was long. Ask it again.

23 Q You cannot accurately predict how costs to
24 the District might change, given potential changes in
25 the community.

1 A Correct.

2 Q And potential changes in the law. You didn't
3 -- You didn't -- You can't accurately predict how costs
4 to the District might change, based on changes in the
5 law. Correct?

6 A Correct.

7 Q Okay. And your projections as to estimated
8 aid that the District will receive are based on your
9 understanding of the funding formula, in which you
10 admitted that you're not an expert. Correct?

11 A Correct.

12 Q And you failed to address other forms of
13 state and federal aid that support the children of
14 Lakewood, as identified in R-20. Correct?

15 A Correct.

16 Q (Whispering out of microphone range.) And
17 you testified that the data in some of your tables
18 should correspond to data in other tables in your
19 report, but it does not. Correct?

20 A Are you -- Which table? Are you referring to the
21 demographic table or the -- or the budget table -- or
22 the financial tables?

23 Q Both.

24 A I -- I don't know. I have to -- If -- Whatever I

25 --

1 Q O -- Okay.

2 A Some don't match. Yes.

3 Q Okay.

4 A Some don't match.

5 MS. PRAPAS: All right. No further
6 questions.

7 THE COURT: All right. Thank you.

8 MR. GROSSMAN: Your Honor, it's now 11:23 and
9 he said he had to get out of here by 11:30.

10 THE COURT: Well, do you have a -- Do you
11 have any redirect?

12 MR. GROSSMAN: I have a lot --

13 THE WITNESS: I'm sorry.

14 MR. GROSSMAN: Yes, I do.

15 THE COURT: How long are you going to be?

16 THE WITNESS: I can --

17 MR. GROSSMAN: Probably about -- Probably
18 about --

19 THE WITNESS: I can stay -- I can stay to 12.
20 But that's absolutely max. I've got to get over the
21 Bergen County.

22 MR. GROSSMAN: I can start. Okay.

23 THE WITNESS: I'm sorry.

24 MR. GROSSMAN: I can start.

25 THE COURT: Well, I guess, are you coming

1 back again?

2 THE WITNESS: I really prefer not to.

3 MR. GROSSMAN: I know it's --

4 THE COURT: You do the best you can.

5 REDIRECT EXAMINATION BY MR. GROSSMAN:

6 Q Okay, I will do the best I can. Okay.

7 During the course of cross examination you were asked
8 several times about the -- I withdraw that question.

9 During the course of cross examination you were asked
10 about your use of the word, thorough and efficient, and
11 you were cited the statutory definition and you
12 indicated --

13 MS. PRAPAS: Objection. Objection. That's
14 mischaracterizing testimony. I did not go through the
15 definition of a thorough and efficient education, nor
16 were any statutory language asserted to a thorough and
17 efficient education.

18 MR. GROSSMAN: I thought that he was asked on
19 his -- on cross examination.

20 THE COURT: I don't think so.

21 MR. GROSSMAN: There was language in his
22 report which --

23 MS. PRAPAS: I believe you're talking about
24 the adequacy budget --

25 MR. GROSSMAN: Oh, the adequacy budget.

1 (Whispering out of microphone range.) If I may, Your
2 Honor, show you P-3 for ident -- Let me withdraw that
3 question. During the course of cross examination, you
4 were asked about your -- Well, let me show you --

5 THE COURT: Is that P -- Is that P-5?

6 MR. GROSSMAN: No, this is P-3.

7 THE COURT: P-3. Okay. I direct your
8 attention to Page 6.

9 MS. PRAPAS: Hold on one moment. I'm trying
10 to find P-3.

11 THE COURT: Me too. Okay. P-3.

12 MS. PRAPAS: I don't believe P-3 was
13 discussed at all during the scope of cross examination.

14 THE COURT: You're right. It wasn't.

15 MR. GROSSMAN: Okay.

16 MR. LANG: I have my copies of --

17 MR. GROSSMAN: It's all right. It wasn't
18 discussed. I didn't think it was.

19 MR. LANG: What?

20 MR. GROSSMAN: I'm sorry. It's okay. Excuse
21 me one moment. (Out of microphone range.) I'm sorry.
22 You indicated that during cross examination, something
23 was very difficult to calculate. Do you recall?

24 THE WITNESS: Say this again. I'm sorry.

25 BY MR. GROSSMAN:

1 Q During the course of cross examination you
2 indicated that something was very difficult to
3 calculate. Do you recall giving that testimony?

4 A Something was very diffi -- No.

5 Q In the stat -- In the statutory formula.

6 A Yeah.

7 MS. PRAPAS: Objection. He already said, no.

8 THE WITNESS: I don't remember, you know.

9 MS. PRAPAS: It's also a vague question.

10 THE COURT: It is.

11 MR. GROSSMAN: I'm sorry.

12 THE COURT: I don't think I understand it.

13 BY MR. GROSSMAN:

14 Q During the course -- During the course of
15 cross examination, you were asked several times about a
16 bridge over Route 9. You indicated you didn't consider
17 that, the possibility of that. Why, if I may ask?

18 A Can you say the question again a little bit
19 louder?

20 Q Why didn't you consider the possibility of
21 building a bridge over Route 9?

22 A (Laughing) Because it doesn't exist. I mean, it
23 was -- There was -- It was never given -- There was --
24 I don't consider what doesn't exist. What isn't
25 planned. What isn't approved.

1 Q Okay. Now, during cross examination you
2 were also asked whether or not you considered the
3 possibility of building private schools closer to where
4 the children lived.

5 A No.

6 Q Why not?

7 A What evidence do I have of anything being built
8 close to whoever. I mean, there was no evidence.
9 There was no documentation. There was no -- Nothing in
10 the master plan. There was nothing that I got from the
11 planning board that indicated that. And even if I did,
12 how do I know what's built -- I didn't have the address
13 of every child in the School District, so how do you
14 know what's near who?

15 Q Okay. Are you aware of the nature of the
16 public schools? Rather, I'm sorry, the private
17 schools.

18 A The nature?

19 Q Yeah.

20 A Yes.

21 Q What is the nature?

22 A It's primar -- It's primarily, I would say, very,
23 very high percent children, 98 percent, Orthodox
24 Jewish.

25 Q Parochial schools.

1 A They're parochial schools.

2 Q Okay. And are you aware of whether or not
3 they are broken down by sect?

4 A Yes.

5 Q So, do the children of one sect tend to
6 attend a school of that sect?

7 A They're gender specific schools.

8 Q Gender specific.

9 A There are -- There are schools for boys and there
10 are schools for girls.

11 Q Okay.

12 A And they don't go to the same school.

13 Q Okay.

14 MR. LANG: (Whispering out of microphone
15 range.)

16 BY MR. GROSSMAN:

17 Q You indicated that you didn't consider the
18 host of --

19 A Yeah.

20 Q -- factors on R-20.

21 A Correct.

22 Q Why not?

23 A Well, I only looked at -- In terms of what I did,
24 I only looked at expenditures. How much it would
25 actually cost to educate the children. So, for

1 example, it was 120 Mill -- For an example, you needed
2 120 Million Dollars. Strike. If you needed -- And
3 this is an example. It's not specific. You need 120
4 Million Dollars to provide all the things to educate
5 children. Okay. My -- I did not go to how that was
6 derived. The -- The expenditure amount is the
7 expenditure amount. Ex -- You know. I would -- That's
8 the only way I can answer that question. I didn't
9 consider -- you know.

10 Q Okay.

11 A The nature of my report --

12 MS. HOFF: Objection. There's no question.

13 THE COURT: There's no question.

14 MR. GROSSMAN: There's no question pending.

15 THE WITNESS: I'm sorry. Ask -- Ask me a
16 question. I'm sorry.

17 BY MR. GROSSMAN:

18 Q What was --

19 A I talk to much.

20 Q What was the nature of your report.

21 A I'm sorry.

22 Q What -- You were -- You were going to
23 indicate something about the nature of your report.

24 MS. HOFF: Objection. That's such a vague
25 question.

1 MR. GROSSMAN: I --

2 MS. HOFF: The nature of your report? What
3 does that mean?

4 THE COURT: Well, does the witness understand
5 that?

6 MR. GROSSMAN: Well, we're getting closer.

7 THE WITNESS: Someone ask me a que --

8 MR. GROSSMAN: -- a little closer.

9 THE WITNESS: Someone ask me a question,
10 please.

11 THE COURT: If the -- If the witness
12 understands what the question is, I'll permit it.

13 BY MR. GROSSMAN:

14 Q Okay.

15 A You'll bring out my school principal. Please.

16 Q Okay. Well, you indicated that you didn't
17 consider revenues.

18 A Correct.

19 Q Okay. You considered expenditures.

20 A The cost of what it would take to educate children
21 in Lakewood.

22 Q Now, did you consider -- Withdraw that. If
23 the LSTA expires and is not renewed.

24 A Right.

25 Q Okay. Will that -- What effect will that

1 have on --

2 A It'll cost the District more money to transport
3 kids.

4 Q Okay. All right. And --

5 MS. HOFF: Objection. Has Mr. -- Dr. Haber
6 been qualified as an expert in transportation? He
7 already had testified that he didn't even -- Remind him
8 what the LSTA was.

9 MR. GROSSMAN: Well, he was reminded --

10 THE COURT: I think he remembered.

11 MR. GROSSMAN: He was asked questions about
12 it --

13 THE COURT: He was.

14 MR. GROSSMAN: -- during cross examination.

15 THE COURT: And I think he remembered what it
16 was.

17 MS. HOFF: Okay.

18 MR. GROSSMAN: Did you -- I'm sorry, Your
19 Honor. Did you sustain the objection or overrule.

20 THE COURT: No, you can ask the question.

21 MR. GROSSMAN: Oh, okay.

22 THE COURT: I think he answered it already,
23 actually.

24 MR. GROSSMAN: Thank you.

25 THE COURT: If it expires it will cost more

1 to transport kids.

2 MR. GROSSMAN: But Ms. Hoff is objecting.
3 And it was my understanding that the questioner was
4 limited to the objection.

5 THE COURT: I thought it was Ms. Prapas,
6 actually.

7 MS. HOFF: Gosh. I'm sorry. I'll refrain.

8 MR. GROSSMAN: Yeah. That's what I thought.

9 THE COURT: It's fine. As long as it's just
10 one at a time.

11 BY MR. GROSSMAN:

12 Q That's what I thought. Now, on Table 7 of
13 your report. (Out of microphone range.) The budget
14 from -- Do you still have it in front of you? I think
15 it's -- I thought it was R-6, which was the budget from
16 20 -- It's the 2016/2017 User Friendly Budget. (Out of
17 microphone range.)

18 MS. HOFF: It's --

19 MS. PRAPAS: Yeah, that's not R-6. I think
20 you --

21 MR. LANG: Well, we have it as -- as P-4.

22 MR. GROSSMAN: But it didn't come in from 4.
23 He was asked questions about it, from one of the
24 Respondent's --

25 MR. LANG: You have it in -- I don't know

1 what your number is.

2 THE COURT: We know what we're talking about,
3 the User Friendly Budget.

4 MR. GROSSMAN: Yes.

5 MR. LANG: Yeah.

6 MS. PRAPAS: For what year?

7 THE COURT: For what year?

8 MS. JENSEN: 16/17.

9 MR. GROSSMAN: -- 16 through 17.

10 MS. PRAPAS: Okay, that -- We have --

11 THE COURT: Isn't that --

12 MS. PRAPAS: We did discuss that as R-4.

13 THE COURT: Isn't -- R-4.

14 MS. PRAPAS: Yes. And we did talk about
15 that.

16 MS. HOFF: R-4, not R-6.

17 MR. GROSSMAN: I'm sorry.

18 THE COURT: R-4. The User Friendly Budget.

19 BY MR. GROSSMAN:

20 Q Okay. Do you still have that document in
21 front of you there?

22 A Which one?

23 Q R -- The User Friendly Budget.

24 A No.

25 Q Oh.

1 MR. LANG: May I take this one also, the
2 17/18.

3 BY MR. GROSSMAN:

4 Q And I'm not sure if -- I think we have P-5
5 was already used in his -- next year's User Friendly
6 Budget. Directing your attention to Page 5 of the
7 Respondent's exhibit. Would you take a look at your
8 own report.

9 MS. PRAPAS: I'm sorry. Page 5 of --

10 THE COURT: R-4?

11 MS. PRAPAS: -- R-4?

12 MR. GROSSMAN: R-4. Yeah. And take a look
13 at your report.

14 THE WITNESS: Yeah, yeah.

15 MR. GROSSMAN: Page 9.

16 THE WITNESS: Correct. Yeah. Oh, yeah.

17 MR. GROSSMAN: See?

18 THE WITNESS: Right. Yeah.

19 MR. LANG: (Whispering out of microphone
20 range.)

21 BY MR. GROSSMAN:

22 Q Okay. Does -- Does the middle column tuition
23 match up with your numbers?

24 MR. LANG: To 16.

25 THE WITNESS: The middle column? Which --

1 MR. GROSSMAN: For --

2 THE WITNESS: I'm looking at three documents.

3 MR. LANG: 15 to --

4 MR. GROSSMAN: I'm sorry. 2015/2016.

5 MR. LANG: Is that the one --

6 MR. GROSSMAN: Your report --

7 THE COURT: Mr. -- Mr. Lang.

8 THE WITNESS: Yeah.

9 THE COURT: You can't coach the witness.

10 THE WITNESS: 2015/2016 my report. Okay.

11 I've got my finger on that.

12 MS. PRAPAS: What table are we looking at on
13 his report?

14 MR. GROSSMAN: We're looking at Table 7.

15 THE WITNESS: Table 7. Right. I'm sorry.

16 Okay.

17 BY MR. GROSSMAN:

18 Q Do those numbers match up?

19 A Match up to what?

20 Q Your report.

21 A I'm -- Okay. My report -- 2015 -- Tuition.

22 You're asking tuition?

23 Q Yeah.

24 A The 28 Million, 457?

25 Q Yeah.

1 A What are we matching it up to?

2 Q Your -- To the User Friendly Budget.

3 A Yeah, but why? I --

4 THE COURT: Page 5.

5 THE WITNESS: Can you --

6 BY MR. GROSSMAN:

7 Q Page 5.

8 A Oh, yeah. Yes, it does.

9 Q Okay. Thank you.

10 A Yes.

11 Q And does transportation match up?

12 A I'm sorry --

13 MS. PRAPAS: Match up to what?

14 THE WITNESS: Where's the transporta --

15 Where is it?

16 MR. LANG: Well, that's because it's --

17 THE WITNESS: Down on the bottom. 20 -- The

18 18,208,264. Yes.

19 BY MR. GROSSMAN:

20 Q Right.

21 A Yeah, they do.

22 Q Okay.

23 MR. LANG: And now go to the next -- (out of
24 microphone range.)

25 MR. GROSSMAN: And would you go --

1 MR. LANG: --

2 MR. GROSSMAN: Would you go to --

3 MR. LANG: They're the same thing.

4 BY MR. GROSSMAN:

5 Q Okay. So the next year's budget I believe is
6 the P-5.

7 A Over here?

8 Q Yes.

9 A 2016/17.

10 Q Yes.

11 A Tuition.

12 Q Do those numbers match up?

13 A Yes.

14 Q And --

15 MS. PRAPAS: I'm sorry. Does the 2016/17
16 tuition number match up with what?

17 MR. GROSSMAN: With his table.

18 MS. PRAPAS: Well, there's three --

19 MR. LANG: --

20 MS. PRAPAS: There's three columns on R-4.

21 MR. GROSSMAN: The revi -- The revised
22 column.

23 MR. LANG: That's where his numbers came
24 from. Yeah. That's where his numbers came from.

25 (Whispering out of microphone range.)

1 THE WITNESS: Yeah, they match up. I didn't
2 answer? I'm sorry. Yes, they match up.

3 BY MR. GROSSMAN:

4 Q Okay.

5 A I didn't know you were waiting for me. (Laughs)

6 MR. LANG: (Whispering out of microphone
7 range.)

8 MR. GROSSMAN: (Whispering out of microphone
9 range.)

10 MR. LANG: Let's use this one. (Whispering
11 out of microphone range.)

12 BY MR. GROSSMAN:

13 Q Okay. What is -- Do you know why there's a
14 year omitted from your calculations on some of your
15 tables?

16 A Say this again now.

17 Q Do you know why you omitted a year on the
18 tables on some of these calculations?

19 A I've got to go back. I think I just misdated
20 them. I -- I have to go back and look at my computer,
21 I'm not happy with this for myself. Okay. Some of
22 these numbers are mixed up and they shouldn't be. And
23 I don't know why the report came out like this. I'm
24 not even sure it's the right draft that you have. I
25 think the numbers are right but I think we revised it

1 several times and -- I'm not going to -- I can't answer
2 the question until I go back and really look at this
3 stuff.

4 MR. LANG: (Whispering out of microphone
5 range.)

6 BY MR. GROSSMAN:

7 Q Is -- Was that an excel problem. You had
8 alluded to it during direct examination.

9 A It could be.

10 Q Did you just -- Was it simply a computer
11 glitch?

12 MS. PRAPAS: Objection, leading.

13 THE WITNESS: I -- I --

14 THE COURT: He has to look at his computer,
15 he said --

16 MR. GROSSMAN: Yeah.

17 THE COURT: -- to figure it out. Correct?

18 THE WITNESS: Yes.

19 THE COURT: Okay.

20 THE WITNESS: Yeah, I've got to go take a --
21 I've got to go look at that to see if the revision --
22 Without changing the substance of the report, to change
23 the format of the report. That's -- But I can't do
24 that here, obviously.

25 BY MR. GROSSMAN:

1 Q Okay. Now --

2 A So I'm looking at ma -- I'm looking at ma -- Oh,
3 never mind.

4 MR. LANG: Here everything got moved up.
5 You've got to ask him this. (Whispering out of
6 microphone range.)

7 THE WITNESS: Your Honor, can I just text my
8 client to tell him I'll be there 20 minutes late?

9 THE COURT: Yes. He needs to let his client
10 know he's going to be a few minutes late.

11 THE WITNESS: Would you mind?

12 THE COURT: So go right ahead.

13 THE WITNESS: Would you mind if I text my
14 client just to tell him I'll be about 20 minutes late?

15 THE COURT: No, go right ahead.

16 THE WITNESS: Okay.

17 THE COURT: Mr. Lang was looking something up
18 anyway.

19 MR. LANG: (Whispering out of microphone
20 range.)

21 MR. GROSSMAN: Can you take a look at table

22 --

23 THE WITNESS: Wait one second.

24 THE COURT: He has --

25 MR. GROSSMAN: Oh, I'm sorry.

1 THE COURT: He's texting his client to let
2 him know he's running late.

3 MR. GROSSMAN: I'm sorry, I thought he was
4 done, Your Honor.

5 THE WITNESS: I'm telling -- I'm calling to
6 tell I'm going to be between 20 minutes and a half an
7 hour late.

8 THE COURT: Okay.

9 THE WITNESS: Okay. Thank you.

10 THE COURT: Thank you.

11 THE WITNESS: Okay.

12 MR. LANG: All right. He's ready.

13 THE WITNESS: Did you ask me a question?

14 MR. GROSSMAN: No.

15 THE COURT: No, there's no question pending,
16 Doctor.

17 MR. GROSSMAN: No question.

18 THE WITNESS: Okay.

19 BY MR. GROSSMAN:

20 Q If you take a look at Table 5 and Table 7.

21 A Mine. My -- Yes.

22 THE COURT: Of his report?

23 MR. GROSSMAN: Yeah.

24 THE COURT: Which was --

25 THE WITNESS: Got it.

1 THE COURT: P-21?

2 MR. GROSSMAN: P-21. If you moved it under
3 -- If you moved -- If you move everything up a line.
4 Did you know -- Is that the problem?

5 MS. PRAPAS: Objection. This is leading.

6 THE WITNESS: I think so. But I have to look

7 --

8 THE COURT: Yes. You're leading the witness.

9 THE WITNESS: That's what I'm going to look
10 at.

11 BY MR. GROSSMAN:

12 Q Okay.

13 A What?

14 MR. LANG: (Whispering out of microphone
15 range.)

16 MR. GROSSMAN: I'm sorry for the delay, Your
17 Honor.

18 THE COURT: That's quite all right, Mr.
19 Grossman.

20 MR. LANG: (Whispering out of microphone
21 range.)

22 MS. PRAPAS: Objection. At this point their
23 conversation is so audible that it's interfering with
24 his ability to testify from his own --

25 MR. GROSSMAN: I'm sorry, Your Honor.

1 THE WITNESS: Trust me, I can't hear.

2 THE COURT: He can't hear.

3 MR. GROSSMAN: I'm sorry.

4 MS. PRAPAS: We don't know that.

5 THE COURT: I think he's said he has some
6 issue.

7 THE WITNESS: Yeah, I have some hearing --

8 MS. PRAPAS: Okay.

9 THE WITNESS: I'm wearing two hearing aids.

10 MS. PRAPAS: I'm sorry.

11 THE WITNESS: It's okay. So. I mean,
12 they're good ones, you can't see them. See?

13 MS. PRAPAS: I'm sorry. I did not hear that.
14 I apologize.

15 THE COURT: They're good ones.

16 THE WITNESS: They're good. You can't --
17 Yeah, but they are.

18 THE COURT: But I think you mentioned that
19 before.

20 THE WITNESS: And I can adjust them with my
21 phone.

22 MR. LANG: (Whispering out of microphone
23 range.)

24 BY MR. GROSSMAN:

25 Q Okay. During the course of your cross

1 examination you were asked about the ability -- I'm
2 sorry. Withdraw that. During the course of your cross
3 examination you were asked about whether you considered
4 a public question to the population, or the -- the
5 voters in Lakewood, concerning the -- concerning
6 raising the -- raising taxes. Do you recall that?

7 A No. Do I recall being asked the question?

8 Q Yes.

9 A Yes.

10 Q Okay. Did you have -- Did you examine the
11 ability of the people in Lakewood to pay -- to --

12 A Yes, I -- Yes,

13 Q -- to -- to -- Well, let me finish asking.

14 MS. PRAPAS: Objection.

15 THE WITNESS: I'm sorry.

16 BY MR. GROSSMAN:

17 Q Did you examine the ability of the people in
18 Lakewood to pay for taxes that were raised? To raise
19 taxes, rather.

20 A Yes.

21 Q Okay. What did you look at?

22 A Well, I looked at per capita income. I looked at
23 the ranking of where -- where Lakewood is, in terms of
24 per capita income.

25 Q Okay.

1 A I looked at percentage of people employed.

2 Q Okay. What -- Do you recall what your
3 conclusions were?

4 A I -- Okay --

5 MS. PRAPAS: Objection. He said that he
6 didn't consider any of this in -- in conducting the
7 analysis for his report.

8 MR. GROSSMAN: Your Honor.

9 MS. PRAPAS: That was his testimony.

10 MR. GROSSMAN: Your Honor, he was -- he was
11 asked whether he considered the rep -- these abilities.
12 Or whether --

13 MS. PRAPAS: That was not what he was asked.

14 MR. GROSSMAN: He was asked whether he
15 considered these factors.

16 THE COURT: Yes.

17 MR. GROSSMAN: And I asked him why not. He's
18 -- He's answering --

19 THE COURT: Well, no. You didn't ask him why
20 not.

21 MR. GROSSMAN: Well, I'm sorry. Why -- Why
22 not?

23 THE COURT: But he answered the question that
24 he didn't consider these -- this factor.

25 THE WITNESS: Why not?

1 MR. GROSSMAN: Why didn't you consider it?

2 THE WITNESS: Why did I?

3 MR. GROSSMAN: Yeah.

4 MS. PRAPAS: Can we clarify too, what factor
5 we're talking about.

6 BY MR. GROSSMAN:

7 Q We're talking about the -- the -- putting
8 this up to a vote.

9 MS. PRAPAS: Putting what up to a vote?

10 THE COURT: Put what up to a vote?

11 MR. GROSSMAN: Raising taxes for the school
12 budget.

13 MS. PRAPAS: That was not --

14 THE COURT: That was not the question.

15 MR. GROSSMAN: I thought that was the school

16 --

17 MR. LANG: No the school referendum.

18 THE COURT: No. Raising the school tax
19 limit.

20 MR. GROSSMAN: Raising -- Did you consider --

21 MS. PRAPAS: The levy.

22 BY MR. GROSSMAN:

23 Q Did you look at that?

24 A I considered Lakewood a poor -- a generally poor
25 community. And I made an assumption that a poor

1 community would have -- Just an assumption. -- that a
2 poor community would have less of an ability to pay
3 taxes. I based it on per capita income. And I believe
4 Lakewood ranks 555th out of 564 communities in the
5 State, in terms of per capita income. Amongst adult
6 males, there's only about a 30 percent employment rate.
7 The med -- median in -- Here's some things I looked at.
8 Okay, in considering.

9 Q What's the --

10 A My report -- My report --

11 MS. PRAPAS: Objection. This is going beyond
12 the scope of the cross.

13 THE COURT: It is going beyond the scope of
14 direct.

15 THE WITNESS: I'm sorry.

16 MR. GROSSMAN: Well, but -- Well, I think the
17 door was opened.

18 MS. PRAPAS: Well.

19 THE COURT: But he said he didn't consider
20 it.

21 MR. GROSSMAN: Then I asked him --

22 THE COURT: So it's not a factor in his
23 analysis.

24 THE WITNESS: Okay.

25 MR. GROSSMAN: But --

1 THE COURT: For whatever reason, he didn't
2 consider it.

3 MR. GROSSMAN: Well.

4 THE COURT: Because now he's saying he did
5 consider it --

6 MR. GROSSMAN: Well, he thought about it.

7 THE COURT: -- and rejected it. But that's
8 not what his answer was before.

9 MR. GROSSMAN: Your Honor, I think --

10 THE COURT: So did you consider it and reject
11 it as any kind of a factor? Is that the question?

12 MR. GROSSMAN: I think that -- I think that's
13 the --

14 MS. PRAPAS: Well, wait.

15 THE WITNESS: What's --

16 THE COURT: Is that the question?

17 THE WITNESS: Please ask me a question I can
18 answer.

19 MS. PRAPAS: I'm sorry. Go ahead. I just
20 didn't want Mr. Grossman to --

21 THE COURT: To give the answer.

22 MS. PRAPAS: -- to testify on behalf of the
23 witness.

24 MR. GROSSMAN: I'm sorry. I -- I'm not
25 trying to --

1 THE COURT: I understand, Mr. Grossman. So,
2 I understood him to say that he did not consider the
3 factor. He's trying to say that he considered it and
4 rejected -- rejected it. Maybe that's the question.

5 BY MR. GROSSMAN:

6 Q Did you consider it and reject it?

7 THE COURT: Without looking at your notes.

8 THE WITNESS: No, I -- I'm sorry. Okay.

9 Okay, without looking at my notes. I -- In formulating
10 opinion, I consider all factors. Just because they're
11 not in my report doesn't mean I don't think about them
12 in formulating opinion. I came up with an opinion in
13 terms of -- an opinion in terms of what I thought --
14 what I thought was needed in Lakewood to adequate --
15 I'm not going to use the word. -- to provide a good
16 educa -- the same -- all terminology, thorough and
17 efficient. I formulated opinion that I thought that
18 Lakewood does not have the means to fund the public
19 school children's adeq -- you know, I used the word
20 adequately, in good fashion. Okay. Part of what a
21 consultant does is formulate an opinion. I was
22 formulating an opinion. And I looked at a lot of
23 factors, although some of them may nec -- not
24 necessarily have been in my report.

25 BY MR. GROSSMAN:

1 Q Okay. You -- You indicated there were
2 certain factors that you looked at in formulating that
3 opinion.

4 A Okay.

5 Q And what were those factors?

6 A Growth of enrollment in the public schools in --

7 MS. PRAPAS: Objection. He already testified
8 that he did not consider any of those factors in his
9 report.

10 THE WITNESS: I said --

11 THE COURT: Well, I think he said he
12 considered growth.

13 THE WITNESS: Huh?

14 BY MR. GROSSMAN:

15 Q Considered growth.

16 A I -- I considered grow -- I considered growth of
17 enrollment in the public schools, growth of enrollment
18 in the non-public schools. Those are the -- Those are
19 the major factors I considered. And I -- I think I
20 even -- I mentioned some in the report, and if I didn't
21 you can throw out my testimony, that Lakewood was
22 unique in -- Lakewood was unique in terms of the ratio
23 of public to non-public schools in the State of New
24 Jersey. And those were factors I considered. There
25 were other factors, but those were specific factors.

1 THE COURT: Hm hmm.

2 MR. LANG: (Whispering out of microphone
3 range.)

4 BY MR. GROSSMAN:

5 Q There were other factors that you indicated
6 you rejected. Why did you -- Can you tell -- Can you
7 tell us what -- why you rejected other factors?

8 A I didn't reject any factors. Just some I didn't
9 include in my report. All right?

10 Q Okay. And what --

11 A Oh, well --

12 MS. PRAPAS: Objection.

13 THE WITNESS: Okay. No, I --

14 THE COURT: There's no question.

15 THE WITNESS: I'm sorry. Here, are factors
16 that --

17 MS. PRAPAS: Objection, there's no --

18 THE COURT: There's no question.

19 THE WITNESS: Question, please.

20 MR. GROSSMAN: Okay.

21 THE WITNESS: I'm sorry. I thought I was
22 answering.

23 BY MR. GROSSMAN:

24 Q What factors then did you consider but not
25 include in your report?

1 MS. PRAPAS: Objection, this was asked and
2 answered.

3 THE WITNESS: I -- Community --

4 THE COURT: I'll let him answer it.

5 THE WITNESS: Okay. A growth of population
6 of the community. Median mean income. Racial comp --
7 Racial and ethnic -- Racial and ethnic composition of
8 the whole community. These are typical things --
9 typical things I look at, but not -- did not include in
10 the report. I did include in the report, if I may
11 answer that, that I didn't just mention in the previous
12 question. I did look at free and reduced lunch,
13 indicating the number of children who are in need of
14 help. You know, the kids -- the kids that -- the
15 children at risk. I did take a look at the number of
16 children in needs -- who need special education. I
17 took note of the number of children who -- I took free
18 and reduced lunch, Title 1 kids. But I didn't look at
19 a lot of overriding community factors. As I said,
20 median income, mean income, growth of population in the
21 community, people who come to the community. There are
22 a lot of te -- Lakewood has a large transient
23 population. People who come there temp -- live there
24 temporarily and move out. I didn't consider those.

25 MR. LANG: (Whispering out of microphone

1 range.)

2 MR. GROSSMAN: I'm sorry, Your Honor. I lost
3 my train, just like Amtrak. So.

4 THE COURT: Well, there's no need to repeat
5 what he said on direct.

6 MR. GROSSMAN: Yeah, I'm trying not to. I'm
7 trying to avoid that, Your Honor.

8 MR. LANG: (Whispering out of microphone
9 range.)

10 MR. GROSSMAN: Would you please stop? I'm
11 sorry. Okay. During the course of cross examination,
12 you were asked whether you considered the -- I'm going
13 to call them zoning factors or planning factors,
14 concerning the size of the town and its ability to
15 absorb, I understood, a new population --

16 MS. PRAPAS: Objection. This --

17 MR. GROSSMAN: Well, this is the question, if
18 I may.

19 THE COURT: Yeah, let him finish the
20 question.

21 MS. PRAPAS: Sorry.

22 BY MR. GROSSMAN:

23 Q -- in which you answered, you can only put so
24 much into a bottle. Do you recall that?

25 MS. PRAPAS: Objection. Withdrawn. Sorry.

1 THE COURT: Because you did ask that
2 question.

3 MS. PRAPAS: Yes.

4 THE COURT: You did.

5 MS. PRAPAS: Yep.

6 THE WITNESS: I'm not an urban planner. But
7 I make an assumption that there's just so much space in
8 a community. They're going to, you know -- And I
9 didn't, you know, I didn't look -- I don't know the
10 master plan. I don't know what the limitations are, in
11 terms of building heights. I mean, is it 30 feet, is
12 it 60 feet? Can you build a 200 room -- a 200
13 apartment complex going straight up? Is there room to
14 do that? That's all I meant. There's no way to
15 determine that.

16 BY MR. GROSSMAN:

17 Q Okay. And so, if I understand what you just
18 said. And I don't -- I hope this isn't leading. But
19 if it is, in the interest --

20 THE COURT: If it is, there'll be an
21 objection.

22 BY MR. GROSSMAN:

23 Q There'll be an objection. So, you -- Are you
24 aware of whether or not there are any proposals in
25 Lakewood to raise the height variance -- rather to

1 raise the height limitation?

2 A I have -- I have no idea.

3 Q Okay. So, to paraphrase cross, if you
4 actually get a bigger bottle, you can put more in it.

5 A Sure.

6 MR. LANG: (Whispering out of microphone
7 range.)

8 BY MR. GROSSMAN:

9 Q Okay. Why didn't you use the federal
10 numbers?

11 MR. LANG: And show it to him --

12 THE WITNESS: Federal numbers for what?

13 MS. PRAPAS: Objection. Vague.

14 THE COURT: Mr. Lang.

15 MR. GROSSMAN: I'm sorry.

16 THE COURT: How about did he use the federal
17 numbers.

18 MR. GROSSMAN: Did -- Did you use -- Okay.

19 MR. LANG: Just show it to him. --

20 THE COURT: Did you use the federal numbers,
21 Doctor?

22 THE WITNESS: I'm sorry?

23 THE COURT: Did you use the federal numbers?

24 THE WITNESS: I -- No. I -- I don't know
25 what you're referring to, federal numbers.

1 BY MR. GROSSMAN:

2 Q Okay. For the --

3 A I heard that. But I just don't know what it
4 means.

5 Q I'm sorry.

6 MR. LANG: (Whispering out of microphone
7 range.)

8 MR. GROSSMAN: (Whispering out of microphone
9 range.)

10 MR. LANG: (Whispering out of microphone
11 range.)

12 THE WITNESS: If you're asking me if I used
13 the United States Census to look at certain things.

14 MS. PRAPAS: Objection. There is no question
15 pending.

16 THE COURT: Wait, wait, wait, wait. There's
17 no question.

18 THE WITNESS: Oh, I'm sorry. No, he asked me
19 the question.

20 MR. GROSSMAN: There's no question.

21 THE COURT: There's no question.

22 BY MR. GROSSMAN:

23 Q Did you use -- Did you use the United States
24 Census?

25 A To look at certain data; yes.

1 Q What data -- What data?

2 A Again, you said, I didn't put it in my report.
3 But I looked at population, population changes between
4 2000, 2010, 2016, median income chan -- change, mean
5 income change.

6 (Courtroom Door)

7 THE WITNESS: Those kinds of stuff.

8 MR. STARK: For the record. There's a --
9 There's a sequestration order.

10 THE COURT: Yes. She just has to wait
11 outside.

12 MR. STARK: If you're -- If you just want to
13 have a seat in the waiting area.

14 (Courtroom Door)

15 MR. LANG: (Whispering out of microphone
16 range.)

17 BY MR. GROSSMAN:

18 Q Did you fi -- During the course of cross
19 examination you were asked whether or not there was --
20 you considered whether or not the busing of non-public
21 students included out of state students -- out of
22 district students, or out of -- or even out of state
23 students. Do you recall?

24 MS. PRAPAS: Objection. That wasn't -- That
25 was not discussed on Cross.

1 MR. GROSSMAN: It was.

2 THE COURT: It was.

3 MS. PRAPAS: No, it wasn't involving busing.

4 It was involving -- Oh, go ahead. Go ahead.

5 THE COURT: It was.

6 MS. PRAPAS: Yes. Withdrawn.

7 THE COURT: It involved both, actually.

8 MS. PRAPAS: Sorry.

9 BY MR. GROSSMAN:

10 Q Yeah, okay. Did -- Is there anyway of
11 determining -- I mean -- Withdraw that.

12 MR. LANG: (Whispering out of microphone
13 range.)

14 BY MR. GROSSMAN:

15 Q I'm sorry. During the cross examination, you
16 -- as I said -- I'll withdraw my entire question and
17 re-ask it. During the course of cross examination, you
18 were asked whether or not you considered the busing of
19 out of district or out of state non-public students.
20 Do you recall that question?

21 A No. I -- I don't remember the question. But, no.
22 I -- I don't remember the question. Ask -- Maybe ask
23 again. What was I asked?

24 MR. LANG: Enrollment. Enrollment.

25 THE COURT: Mr. Lang. You -- You have to

1 control yourself. Your voice is going to get picked up
2 on the record. It's just going to create havoc here.
3 This is Mr. Grossman's witness.

4 BY MR. GROSSMAN:

5 Q Okay. Why didn't you consider the -- I'm
6 sorry. You were asked during cross examination about
7 whether you considered the dis -- the busing of out of
8 district or out of state students.

9 A I -- I looked at a transportation budget kind of
10 as a whole. So I'm not sure I differentiated that.

11 MR. LANG: (Whispering out of microphone
12 range.)

13 THE COURT: Mr. Lang.

14 MR. LANG: So sorry. (Whispering out of
15 microphone range.)

16 THE WITNESS: I can't use it.

17 THE COURT: The problem is it gets picked up
18 on the recorder.

19 MS. PRAPAS: I didn't hear --

20 THE COURT: And there's going to sound like
21 there's questions being asked. When it's in fact just
22 Mr. Lang trying to tell his attorney what to say.

23 MS. PRAPAS: I didn't hear what the witness
24 just said. I'm sorry. What did you say?

25 THE WITNESS: I'm sorry?

1 THE COURT: He said he can't hear it.

2 MS. PRAPAS: Okay. Okay.

3 MR. GROSSMAN: Yeah.

4 THE COURT: But it's not just you I have to
5 worry about, Doctor.

6 THE WITNESS: Oh.

7 THE COURT: I have to worry about the
8 transcript.

9 THE WITNESS: Got you.

10 THE COURT: If there is going to be one.

11 MR. LANG: (Whispering out of microphone
12 range.)

13 THE COURT: Is there anything else, Mr.
14 Grossman.

15 MR. GROSSMAN: No, I don't think so, Your
16 Honor.

17 THE COURT: All right. Thank -- Thank you.

18 MR. GROSSMAN: Thank you. I have no further
19 questions.

20 THE COURT: Do you have anything, Ms. Prapas?

21 RE-CROSS EXAMINATION BY MS. PRAPAS:

22 Q Just a couple of questions. So, you
23 testified that you only looked at expenditures and you
24 didn't consider revenue. But in Table 7, you have
25 Column 7 and 8 and 9, which are revenue.

1 A Yeah.

2 Q Table 7 of your report, which is --

3 A Yeah. I -- What I meant is, didn't consider all
4 of those.

5 Q Okay.

6 MR. GROSSMAN: Pointing to R-20.

7 MS. PRAPAS: Okay.

8 THE WITNESS: Yeah, I'm referring to R-20.

9 BY MS. PRAPAS:

10 Q And you just testified that if the LSTA pilot
11 program is not reviewed -- is not renewed, that it
12 would cost the District more money. But in your
13 report, you don't -- you do not perform any analysis as
14 to how a non-renewal of that pilot program would affect
15 the cost to the District. Correct?

16 A Correct.

17 Q Okay. And you just testified that in your
18 tuition and your -- I'm sorry. -- your tuition column
19 in Table 5 and Table 6, I believe, that the figure for
20 2015/16, which you have as 25,449,467 -- I'm sorry.
21 For the 2016/17 school year, you just testified that
22 your number, 28,457,996, correlated to what is marked
23 as R-4, the User Friendly Budget for 2016/17, the
24 undistributed expenditures instruction tuition row, for
25 the 2015/16 revised school year. And those -- that

1 number matches. It's also 28,457,996. Is that
2 correct?

3 A Yes.

4 Q Okay. But that revised column is not the
5 actual expenditures for that year.

6 A I understand that.

7 Q Okay.

8 A Yes.

9 MS. PRAPAS: Okay. Okay. No further
10 questions.

11 THE WITNESS: Thank you.

12 THE COURT: All right. Thank you very much.

13 MR. GROSSMAN: Thank you.

14 THE WITNESS: Thank you.

15 MR. LANG: Thank you.

16 THE COURT: Thank you, Doctor. You're
17 excused.

18 THE WITNESS: Now, am I still a witness?

19 THE COURT: No, you're done.

20 MR. LANG: He's finished.

21 THE WITNESS: I can talk.

22 THE COURT: No, you can't talk. You're done.

23 THE WITNESS: Oh, no. Not here.

24 MR. LANG: Now you can talk to us.

25 THE COURT: Oh, yes. Of course.

1 MS. PRAPAS: But --

2 THE COURT: Thank you very much.

3 THE WITNESS: Thank you all.

4 THE COURT: Thank you. Have a good day.

5 MS. PRAPAS: Remember he's sequestered.

6 THE WITNESS: What?

7 MS. PRAPAS: He's still sequestered. Okay.

8 MR. LANG: I appreciate it.

9 THE WITNESS: Now, I can -- Now, I can talk.

10 Right?

11 MR. LANG: Yeah, --

12 THE COURT: No, you -- Yes. Doctor Haber.

13 Doctor.

14 MR. LANG: I think we have -- We have --

15 THE COURT: You can't discuss your testimony

16 with any other witnesses or anything.

17 THE WITNESS: No, no. There's -- No, no, but

18 --

19 MR. LANG: But they can talk to us. Right?

20 THE WITNESS: No, something --

21 THE COURT: You can certainly discuss -- He can

22 certainly talk to his attorneys at this juncture.

23 MS. PRAPAS: No.

24 THE COURT: No?

25 MR. STARK: He's -- He's a witness. He's not

1 --

2 MR. GROSSMAN: No, he can't talk to us.

3 MS. PRAPAS: He's not his client.

4 THE COURT: He's --

5 MR. LANG: Oh, you can't talk to us. Okay.

6 So then --

7 THE COURT: Oh, he's just a witness. Okay.

8 MR. LANG: Okay.

9 THE COURT: All right. Thank you very much.

10 MR. LANG: Thank you.

11 THE COURT: I don't think there's any reason

12 for it not -- for him not to, but. All right. So

13 we're going to take a short break.

14 (BRIEF RECESS)

15 THE COURT: All right. We're on the record.

16 MR. LANG: Your Honor.

17 THE COURT: Yes.

18 MR. LANG: Before we call the witness, I'd
19 like to put something -- Ask for administrative notice
20 of --

21 MR. GROSSMAN: A judicial notice.

22 MR. LANG: Judicial notice of the taxpayer
23 guide to educational spending for Lakewood School
24 District, 2017. This is --

25 THE COURT: Have you shown it -- Have you

1 shown it to the witnesses?

2 MR. LANG: No. And I may just make copies.
3 They have it also. This is --

4 THE COURT: Well, let them look at it and
5 then -- Why don't we take the witness and then we can
6 deal with that a little later.

7 MR. LANG: All right. Yeah, I wanted the
8 witness to read from it.

9 THE COURT: Oh. Well.

10 MR. GROSSMAN: Well, but she can.

11 THE COURT: She can. You can show it to her
12 whenever.

13 MR. LANG: Okay. All right.

14 THE COURT: Okay.

15 MR. LANG: Will do.

16 THE COURT: So let's call the --

17 MR. LANG: All right. So let's call the
18 witness. We're calling Malka Spitz-Stein.

19 THE COURT: Okay. If you'd just come up
20 here, please. Okay. If you'd just raise your right
21 hand. Stand up.

22 THE WITNESS: Oh, okay.

23 THE COURT: Okay.

24 M A L K A S P I T Z - S T E I N, PETITIONER'S
25 WITNESS, SWORN.

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THE WITNESS: Yes.

THE COURT: Okay. Just state your name.

THE WITNESS: Malka Stein.

THE COURT: M-A-L-K-A?

THE WITNESS: Hm hmm.

THE COURT: And last name?

THE WITNESS: Spitz, S-P-I-T-Z. And then
hyphen, Stein, S-T-E-I-N.

THE COURT: All right. Thank you. Have a
seat. Just keep your voice up. Everything is being
recorded.

THE WITNESS: Oh.

THE COURT: Okay. Mr. Lang, your witness.

DIRECT EXAMINATION BY MR. LANG:

Q What do you do for a living?

A I'm the supervisor of STEM for Lakewood School
District and supervisor of Chapter 192, 193 grants.

Q What -- What is STEM?

A Science Technology Engineering and Math.

Q What subjects -- And more on the different
subjects in the high school or elementary schools, does
that require supervision over?

A It's K to 12 Science, K to 12 Math. Technology, K
to 12. And then Engineering is at the high school, 9
to 12.

1 Q Okay. How long have you been curriculum
2 supervisor?

3 A I think 7 -- This is my 8th year.

4 Q What is the role of curriculum supervisor?

5 A The role of curriculum supervisor, as I see it, is
6 to ensure that every teacher has -- has a high quality
7 curriculum. To provide professional development, to
8 make sure that they understand the curriculum and what
9 the standards are, and how they're going to implement
10 that in the classroom. And then the third part is to
11 monitor and make sure that -- that the curriculum and
12 the training are being implemented correctly in the
13 classroom and that -- and that the delivery is high
14 quality for their students.

15 Q Okay. How long have you been at the Lakewood
16 School District?

17 A Ten years.

18 Q Ten years.

19 A This is my 11th year.

20 Q 11th year. Okay. Yeah, what did you do
21 before you were in the Lakewood School District?

22 A I was a high school Math teacher at Long Branch
23 High School.

24 Q How -- How many years were you at Long Branch
25 High School?

1 A 6 -- I came mid-year. So, 6 and a half or -- I
2 think 7 and a half.

3 Q Okay. What did you do before that?

4 A Before that I was in school in -- I was in college
5 and I was teaching in a private school.

6 Q What did you study in college?

7 A My undergrad was in psychology. Then I went back
8 to school for Math. And then I got my masters in Math
9 after that.

10 Q Okay. How many -- In your current role as
11 curriculum supervisor, how many different schools do
12 you supervise?

13 A 7.

14 Q Is that all the schools?

15 THE COURT: Is that a yes?

16 THE WITNESS: Yes. Hm hmm.

17 BY MR. LANG:

18 Q Does Lakewood have an assistant
19 superintendent in charge of curriculum?

20 A No.

21 Q Does Lakewood have any assistant
22 superintendent?

23 A No.

24 Q Did it ever?

25 A Yes.

1 Q When?

2 A Maybe 5 years ago, or 6 years ago.

3 Q Okay.

4 A But since then we haven't had one.

5 Q Are you familiar with before that? Going
6 back a decade?

7 A No.

8 Q You wouldn't know -- Okay. What happened to
9 the position?

10 A I don't exactly know.

11 Q But as far as you know, it no longer exists?

12 A As far as I know.

13 Q Okay. All right. Do you -- You don't -- She
14 doesn't need her summary. What is -- What is a tenured
15 teacher?

16 A A tenured teacher is a teacher who's been rated
17 effective, or highly effective, for 4 years. And then
18 they get tenure in the District.

19 Q Is it better to have tenured teachers?

20 A In my opinion, more experienced teachers are
21 better. So having -- having someone who's been -- I
22 mean, specifically for Lakewood, having someone who's
23 been here for 4 -- for at least 4 years, means that
24 they've received professional development or training
25 for those 4 years. And that -- And then you -- And

1 then after that level they can start to implement it
2 probably -- probably at a higher level.

3 Q So, how -- how does -- Does -- What does the
4 historic trend in the Lakewood High School, in Math
5 Department, of non-tenured teachers? Teachers who have
6 not attained tenure.

7 MS. JENSEN: Object. Objection, Your Honor.
8 Just, we don't have a time frame here. There's no --

9 THE COURT: We don't have a foundation. So
10 why don't we start with building a foundation --

11 MR. LANG: Okay.

12 THE COURT: -- and then we'll get to the --
13 the questions.

14 BY MR. LANG:

15 Q Okay. Are there -- How many tenured teachers
16 are in the Lakewood High School Math Department
17 currently?

18 A Can I have a minute to think?

19 THE COURT: Sure.

20 MR. LANG: Pardon?

21 THE WITNESS: Okay.

22 THE COURT: She needs a minute to think.

23 THE WITNESS: I think it's -- I think its 4,
24 4 teachers.

25 BY MR. LANG:

1 Q Out of how many teachers total?

2 A This year, I think 13.

3 Q 13?

4 A Hm hmm.

5 Q And previous years, how many -- Let's say the
6 year before and the year before that.

7 A So, since -- since I've been in the position,
8 we've --

9 THE COURT: Well, how long have you been in
10 the position?

11 THE WITNESS: Seven years.

12 THE COURT: Okay.

13 THE WITNESS: Yeah, this is my 8th year. I'm
14 sorry. So, since I've been in the position, I think
15 we've always -- we've always had over 60 percent. I
16 think it ranged maybe from 60 to, like, to mid 70's of
17 our Math Department -- the High School Math Department
18 staff, non-tenured.

19 BY MR. LANG:

20 Q Non-tenured.

21 A Hm hmm.

22 Q How does this affect student -- student
23 learning and student achievement by having --

24 MS. JENSEN: I'll let you finish there.

25 BY MR. LANG:

1 Q -- by having 60 percent, or whatever number
2 you said on the record, of non-tenured teachers?

3 A Primarily, the -- our teachers who are non-tenured
4 are very of -- very often probably only first or second
5 year teachers, period. Like, forget what they've done
6 in Lakewood, but they're very often out -- fresh out of
7 college. So, it means that -- that, you know, by
8 putting inexperienced teachers in front of them, it
9 means that they need multiple train -- They need a lot
10 of training. They also don't -- don't bring with them,
11 like, kind of, like, like a bag full of strategies and
12 tricks.

13 When students don't understand concepts, they --
14 they pretty much only know one way of doing something.
15 They're also at that point, just teaching to the class
16 at large, and don't exactly know how to differentiate
17 for individual students. That -- That, in my opinion,
18 would come with more experience. When you're -- When
19 you've done something more than once, you can kind of
20 anticipate what your students' misunderstandings may
21 be. Rather than -- Rather than trying to address
22 misunderstanding after it already happened.

23 Q What does differentiate mean?

24 A Differentiate is when you take your instruction
25 and you -- and you tailor it to -- to the individual

1 student sitting it front of you.

2 Q Is having the number of non-tenured teachers
3 in Lakewood High School, is it high compared to what --
4 what would be ideal for the stu --

5 MS. JENSEN: Objection.

6 THE COURT: Wait. Yeah.

7 MR. LANG: Okay. You said, high compared to
8 other districts.

9 THE COURT: No, no. Let

10 MR. GROSSMAN: Strike.

11 THE COURT: Okay.

12 MS. JENSEN: I object to the second question
13 as well, Your Honor. There's no -- There's no
14 foundation. There's no personal knowledge.

15 MR. LANG: Okay. Could I --

16 THE COURT: Yes. Let's talk about the Math

17 --

18 MR. LANG: Could I ask --

19 THE COURT: -- Math Department in Lakewood
20 High School.

21 BY MR. LANG:

22 Q Compared -- Compared to what you've seen in
23 Long Branch -- Okay.

24 THE COURT: Well, we have no idea what she
25 saw in Long Branch or what she did in Long Branch.

1 BY MR. LANG:

2 Q In Long Branch, did Long Branch have more
3 tenured teachers?

4 A When I was there, it definitely did.

5 Q Do you remember --

6 A Numbers?

7 Q -- what the number would be? Or, in terms of
8 percent.

9 A No. No way I can tell you what percent it was.

10 Q Based on your recola -- recollection, were
11 the majority of teachers that you worked with at your
12 previous position at Long Branch, were a majority of
13 them experienced tenured teachers?

14 A Definitely when I first got the job. I would have
15 to actually think back to people who kind of shifted
16 over the years. But when I first -- When I first began
17 working there, there was only one other new teacher,
18 first year teacher there with me. And maybe 1 or 2
19 that were 2 or 3 years. But at that point tenure was 3
20 -- At that point tenure, you only needed 3 years for
21 tenure. So, I would say -- I would say a large
22 majority were tenured.

23 Q How many this year are 1 or 2 year teachers,
24 which -- in the Lakewood High School Math Department?

25 A There's definitely -- We have 3 first year

1 teachers. And I think 2 second year teachers. But
2 that -- that I would have to actually look. But
3 definitely 3 -- definitely 3 first year, and I'm pretty
4 sure 2 second year teachers.

5 Q And okay. Tenure you said was 4 years. So,
6 I'm not going to ask you about 3 years because -- Do
7 you know off hand how many in their third --

8 A I know we have 3 teachers that are in Year 4.
9 That I know for sure. I don't know about Year 3
10 though. That I would have to think.

11 Q What's the turnover in the teachers that you
12 supervise? I guess, in Lakewood Math Department, though
13 I -- I could ask you about Science also. But we'll
14 stick to Math. What's the turnover? Like, how many
15 new teachers that you -- Well, you -- Well, how many
16 new teachers this year?

17 A 3. 3 new teachers this year.

18 Q 3. Okay. Is there -- Is there any concern
19 that you have that makes it difficult in Lakewood High
20 School, or in Lakewood School District, to hold on to
21 teachers year after year?

22 A You mean, right -- right now? I guess for the
23 past few years, because of teacher instability, we have
24 teachers who -- who I think are very devoted to our
25 students. But -- But they're -- But they're not

1 confident that they'll have their job at the end of the
2 year. So, many of them are going on interviews. Some
3 of them are actually going on interviews now. When
4 they leave, they -- I think most of them really do feel
5 sorry that they're leaving our students. But they just
6 feel like, you know, they -- they can't stay in a
7 school that's not stable. And in a school where -- I'm
8 saying, if they -- many of them are being offered
9 salaries, just like right -- just like right off the
10 bat, between 10 and 15 Thousand Dollars more than what
11 they're getting paid in Lakewood. So they just feel
12 like they have to make better financial decisions for
13 their families.

14 Q Can I ask you to read from the Taxpayers
15 Guide to Educational Spending, in terms of the -- the
16 median salary?

17 THE COURT: Why don't you first show it to
18 her and ask her if she knows what it is.

19 MR. LANG: Oh.

20 THE COURT: And what's it marked?

21 MR. LANG: This is marked as 10-1. But
22 there's a whole bunch. I think I have all the
23 districts' --

24 THE COURT: You mean, P-10-1?

25 MR. LANG: Yes.

1 THE COURT: P-10-1.

2 MR. LANG: And this is Lakewood. The one
3 that says Lakewood on it.

4 THE COURT: Okay. Well, just show it to her
5 first.

6 THE WITNESS: Hm hmm.

7 THE COURT: To see if she's familiar with the
8 document.

9 MR. LANG: Okay.

10 THE COURT: Do you know what that is? Have
11 you seen it befo --

12 THE WITNESS: Yes, yes.

13 THE COURT: Have you seen it before?

14 THE WITNESS: Yes.

15 BY MR. LANG:

16 Q What is the median teachers' salary in -- in
17 Lakewood, according to this document?

18 THE COURT: For Math? Or for every?

19 MR. LANG: For -- For everything. This is
20 the whole district.

21 THE COURT: 52 Thousand, 46 Dollars.

22 BY MR. LANG:

23 Q Now how does this rank for the 101 large K --
24 K through 12, 3500 plus district? What is the ranking?

25 MS. JENSEN: I object to this -- this

1 questioning, Your Honor. This -- There's no -- There's
2 no indication that this witness has personal knowledge.

3 THE COURT: Has any -- any familiarity with
4 this at all.

5 BY MR. LANG:

6 Q Are you familiar with how Lakewood ranks
7 against other districts in terms of pay? Is Lakewood
8 higher or lower --

9 THE COURT: Just let her --

10 MR. LANG: I'm sorry.

11 THE COURT: Just let her answer a question.
12 Is she familiar with it or no?

13 THE WITNESS: I mean, I've done -- for like
14 the Math Department, like where -- where teachers are
15 going. But never like in, like, never in a summary.

16 THE COURT: Okay.

17 BY MR. LANG:

18 Q Are other districts -- You men -- You
19 mentioned other districts are hiring teachers because
20 they're paying more. Is that correct?

21 A Correct.

22 Q Okay. Are -- Is --

23 MR. LANG: Your Honor, is she allowed to read
24 from the document?

25 THE COURT: Does she know --

1 MR. LANG: The ranking.

2 THE COURT: Does she know the document?

3 BY MR. LANG:

4 Q Do you know the document? Do you know what
5 this document is?

6 THE COURT: I mean is it something she would
7 -- Do you rely on this document at all?

8 THE WITNESS: No, I -- I mean, I've check on
9 it only when I see teachers leaving and where they're
10 going. And we try to figure out -- Like, we have the
11 people who do exit -- exit conferences with staff --
12 staff that's leaving. But not in like a -- not in like
13 the status, in like a table or anything.

14 THE COURT: Okay.

15 THE WITNESS: Just more, like, informal.

16 THE COURT: Okay.

17 MR. LANG: So, let --

18 THE COURT: No, she can't -- she can't read
19 from the document.

20 BY MR. LANG:

21 Q Okay. Is there -- What is a 5 year mark?

22 A I mean, just in saying -- There are just some
23 studies that -- that say that -- that say that the
24 first 5 year --

25 MS. JENSEN: Objection, Your Honor. This

1 witness is not an expert witness.

2 THE WITNESS: Okay.

3 MS. JENSEN: She can't testify to
4 miscellaneous studies.

5 THE COURT: No, just what you know the 5 year
6 mark to be.

7 THE WITNESS: You mean -- You mean, as far as
8 -- as far as what I see, like a change in what I see in
9 teachers?

10 THE COURT: Yes.

11 THE WITNESS: Oh, okay. Sorry. I'm saying,
12 I mean, like just -- I mean, as I said before, like for
13 teachers -- for teachers who have been with -- with
14 Lakewood for 5 years. So it means that they've gotten
15 to know our students. They kind of get to know -- Just
16 even seeing teachers go from year 1 to year 2, we see
17 like a huge difference. Because they can now -- they
18 now -- I mean, I feel like most teachers who come into
19 us, come in bringing -- bringing their learning
20 experiences with them. But they don't necessarily
21 understand Lakewood students learn -- learning
22 experience. So -- So, year 1 and 2 they're kind of
23 getting to learn our students. And saying, between,
24 you know, as -- as they're here for longer, they --
25 they can -- they can start to -- they can start to

1 enmesh like, enmesh their own learning experience, the
2 content and our students' needs together. And they --
3 And they finally, you know, start to meet -- start to
4 provide instruction that -- that will meet our
5 students' needs.

6 BY MR. LANG:

7 Q So, from what I understand, your 5 year mark,
8 in your opinion, is the point at which a teacher is acc
9 -- I mean, becomes a better teacher. Is that what --

10 MS. JENSEN: Objection.

11 MR. LANG: Okay, let me ask a question.

12 THE COURT: You can't -- You can't put words
13 in her mouth.

14 BY MR. LANG:

15 Q Okay. So, is there -- When a teacher reaches
16 the 5 year mark, does the teacher become a better
17 teacher?

18 MS. JENSEN: Objection. Again, it's asking
19 for an opinion.

20 THE COURT: Yes, the same thing.

21 MR. LANG: All right. Let me just go on.

22 How many --

23 THE COURT: Just rephrase the question, Mr.
24 Lang.

25 BY MR. LANG:

1 Q At what point, in terms of experience, how
2 many years in Lakewood does the teacher reach the full
3 potential -- their full potential?

4 MS. JENSEN: Objection. Again, Your Honor,
5 characterizing a teacher's full potential is certainly
6 a --

7 THE COURT: It's an amorphous. It's an
8 amorphous.

9 MR. LANG: Your Honor, this is her job. She
10 has to make decisions on hiring and -- and --

11 THE COURT: Well, we don't -- we don't know
12 that because nobody said that she makes any decisions
13 on hiring or firing.

14 MR. LANG: Do you -- Okay.

15 THE COURT: We don't even know what she's
16 supposed to be doing as the superintendent of
17 curriculum.

18 MR. LANG: Okay.

19 THE COURT: And we've only asked about Math.
20 Do you also supervise the other teachers as well, in
21 Science and Tech --

22 THE WITNESS: I supervise Science and Math.
23 Yeah.

24 THE COURT: Science and Math.

25 THE WITNESS: Hm hmm.

1 THE COURT: Does somebody else to Technology
2 and --

3 THE WITNESS: I do Technology. I don't do --
4 I don't do their observations though.

5 THE COURT: Okay.

6 THE WITNESS: Okay? That gets done by the
7 building principals.

8 BY MR. LANG:

9 Q Are you involved in hiring proced --
10 decisions in Science and Math?

11 A Yes.

12 Q Okay. So, I'll ask my question. At what
13 point -- At what point do you -- And your -- Are you
14 involved in evaluation of teachers?

15 A Yes.

16 Q Okay.

17 MR. GROSSMAN: (Whispering) Arthur.

18 BY MR. LANG:

19 Q At what point in a teacher's experience,
20 tenure. I don't mean tenure in a legal sense. At what
21 point, how many years a teacher teaching in Lakewood
22 does a teacher meet -- meet the potential, based on
23 your supervision?

24 MS. JENSEN: Objection. Again, Your Honor, I
25 don't -- I don't know if this means the teacher meeting

1 their --

2 THE COURT: -- potential.

3 MS. JENSEN: -- potential.

4 MR. LANG: That --

5 THE COURT: What do -- What do you see
6 happening to teachers after they've been hired and have
7 worked for you for 1 year? What happens?

8 THE WITNESS: After 1 year?

9 THE COURT: After 1 year.

10 THE WITNESS: Okay. After 1 -- I'm saying,
11 after 1 year, I guess the focus the first year is to
12 make sure that they understand curriculum. So then
13 year 2 for us would be to actually see how they're
14 implementing it. If they're -- If they're -- If
15 they're giving the kids multiple strategies, multiple
16 ways to -- to understand the content. And then as --
17 as the teachers progress and stay with us for longer,
18 then -- then we start to, you know, train them to like
19 actually deal with individual students. How to -- How
20 to make up students' deficits, while still continuing
21 along with the -- with the curriculum and getting them
22 to be on grade level. And I'm saying -- I would say
23 that for a teacher who's been here for, you know,
24 between 4 and 5 years, like probably once you get
25 around there, then -- then they probably need -- In my

1 opinion, they need less oversight than teachers who are
2 1, 2, 3 or 4, let's say.

3 BY MR. LANG:

4 Q So this benchmark, where the teacher needs
5 less oversight, I could -- I'm going to refer to that
6 as the 5 year mark. How -- How many -- How many staff
7 members -- Let me rephrase the question. Strike that.
8 How many staff members have been hired in the Lakewood
9 High School Math Department since 2011? How many new
10 hires have there been? Since 2011.

11 A I don't have the numbers in front of me. But I
12 actually went through all that. I would -- I think it
13 was over 20.

14 Q How many of those 20 met the 5 year mark?

15 A Well, since 2011, only 2 teachers that are on
16 staff have gotten tenure during that time period.
17 Meaning, the other 2 had tenure even before 2011.

18 Q How does this relate to test scores?

19 MR. GROSSMAN: Does this?

20 MS. JENSEN: Objection, Your Honor. There's
21 been no --

22 BY MR. LANG:

23 Q Does this relate to test scores?

24 A Yeah. I mean, I think it does. I think that -- I
25 think that when -- that when students have a first year

1 teacher in front of them -- Coming into the high
2 school, most of our students are not proficient. I'm
3 trying to think. The 8th grade -- The 8th grade
4 proficiency, it was at 7 percent on the 8th grade test.
5 If you included the -- the Algebra 1 8th graders, then
6 it maybe jumped to 17 percent. So that's how they're
7 coming into our high schools.

8 So, clearly, they're in need of teachers who can -
9 - who can help -- who can fill their deficits while at
10 the same time getting them to -- getting them to learn
11 Algebra 1. And I think that when you consistently put
12 new teachers in front -- in front of the students, I
13 think it's unlikely that the students are going to --
14 are going to have their deficits filled and be able to
15 -- and be able to -- to learn the grade level content
16 that's in front of them.

17 Q Now, you -- you testified, you said that
18 you're the curriculum supervisor for Math and Science
19 in all the buildings.

20 A Hm hmm.

21 Q Does that mean that -- Are you the only
22 curriculum supervisor for Math and Science for all the
23 buildings?

24 A Yes.

25 Q Before you had your position, going back,

1 were there -- was this the job of the curriculum
2 supervisor? The same supervisor in all the buildings
3 and for those two subjects?

4 MS. JENSEN: Objection, Your Honor. This
5 witness has been in the position since 2011. There's
6 no indication she has any knowledge of what occurred
7 prior to that.

8 THE COURT: Hmm.

9 BY MR. LANG:

10 Q Okay. Let me rephrase it. Before you were
11 curriculum supervisor, you were in the District -- were
12 you in the District?

13 A Yes.

14 Q When did you enter the District, what year?

15 A September of 2007.

16 Q September of 2007.

17 A Hm hmm.

18 Q In September of 2007 --

19 MR. GROSSMAN: --

20 MR. LANG: Hmm?

21 MR. GROSSMAN: --

22 MR. LANG: What?

23 MR. GROSSMAN: --

24 BY MR. LANG:

25 Q What was your job in 2007, September?

1 A I was a classroom teacher. I mean, a middle
2 school Math teacher.

3 Q Okay. In 2007, was there one curricular --
4 one supervisor for both Math and Science?

5 MS. JENSEN: I object to the relevance of
6 anything that occurred in 2007, as the petition was not
7 filed until 2014.

8 THE COURT: It would just go to the weight.

9 MR. LANG: Well, Your Honor --

10 MR. GROSSMAN: Just -- She can answer the
11 question.

12 THE COURT: She can answer the question.

13 MR. LANG: Oh, I'm sorry. Okay.

14 THE WITNESS: So, I -- I do --

15 THE COURT: If you -- If you remember.

16 THE WITNESS: I know of one supervisor, but
17 it was my first year. And I was overloaded. So I
18 don't know if anyone else existed.

19 BY MR. LANG:

20 Q Okay, so do you -- do --

21 A I don't know. In other words --

22 Q In Long Branch? In the district that you
23 worked for, did --

24 MS. JENSEN: We also object to the relevance
25 of anything --

1 THE COURT: Long Branch?

2 MS. JENSEN: -- that occurred in Long Branch.

3 MR. LANG: Well, what I was trying to --

4 THE COURT: There's no -- We don't even know
5 that Long Branch is -- is comparable to Lakewood. I
6 think Long Branch was an AVID district, wasn't it?

7 MR. LANG: Well, it's part of our petition to
8 show that Lakewood is an AVID -- It should -- It should
9 be an AVID district. We want -- And should have been.
10 That is really what we're trying to show.

11 THE COURT: Well, that's a little late for
12 that. Because we don't even have AVID districts
13 anymore.

14 MR. LANG: I understand that.

15 THE COURT: So to show it should have been.

16 MR. LANG: We -- Well, we want to show that
17 -- Okay. But that's -- What we want to show is that --
18 The question -- Let me rephrase the question. Based on
19 your experience or knowledge, do other districts split
20 these responsibilities between more than one person?
21 Is the -- In other words, do other dis -- Let me leave
22 that as the question. That's the question. Do other
23 districts have one supervisor for both Science and Math
24 for 7 schools?

25 MS. JENSEN: Objection, again, Your Honor.

1 THE COURT: Hm hum.

2 MS. JENSEN: There's no indication of
3 personal knowledge by this witness.

4 THE COURT: There isn't. There's no
5 foundation for this. So, you can't answer that
6 question.

7 MR. LANG: Could I ask about Long Branch?

8 THE COURT: No.

9 MR. LANG: All right. We'll move on.

10 THE COURT: I don't know how Long Branch is
11 relevant. Since she's been in Lakewood since 2007 and
12 has been the supervisor since 2011.

13 MR. LANG: All right.

14 THE COURT: Correct?

15 THE WITNESS: I think so. September of 2011,
16 yeah, I'm pretty sure.

17 BY MR. LANG:

18 Q Okay. Does the District have large class
19 sizes?

20 THE COURT: And we're just dealing with Math
21 and Science?

22 THE WITNESS: Yeah.

23 MR. LANG: In general. In general.

24 THE COURT: No, we're dealing with Math and
25 Science.

1 BY MR. LANG:

2 Q Okay. Math and Science. Does the District
3 have large class sizes?

4 A Yes.

5 Q Okay.

6 THE COURT: Is there an average in the high
7 school? In the classrooms for Math and for Science?

8 THE WITNESS: Well, it's actually, the high
9 school -- The high school probably averages around 20.
10 That's not --

11 THE COURT: In Math?

12 THE WITNESS: Mmm. Probably Math and
13 Science.

14 THE COURT: Math and Science.

15 THE WITNESS: Yeah.

16 THE COURT: 20 students per class.

17 MR. GROSSMAN: Middle school.

18 BY MR. LANG:

19 Q Middle school?

20 A The middle school, 6 grants -- 6th grade averages
21 in the high 20's. 7th grade the same. 7th grade has
22 some sections that are over 30.

23 Q Why does the -- Why does the middle school
24 have large class sizes?

25 MS. JENSEN: Objection. There's no --

1 There's no basis for the knowledge of why the classes
2 may be specific sizes. This is all very fact sensitive
3 information.

4 THE COURT: Hm hmn.

5 MS. JENSEN: And there's been a lot of
6 generalizing occurring, Your Honor.

7 THE COURT: Yes.

8 MR. LANG: Your Honor, there -- there is the
9 New Jersey Administrative Code requires a certain size
10 for classrooms, for classes.

11 THE COURT: So, and she's answered the
12 question. That as far as she knows in the high school
13 it's about 20 students a class for Math and Science.
14 And for middle school, I think you said 6th and 7th.

15 THE WITNESS: Right.

16 THE COURT: For Math and Science, it was in
17 the high 20's.

18 THE WITNESS: Right. It's actually -- Can I
19 clarify something?

20 THE COURT: Sure.

21 THE WITNESS: In the middle school, it's the
22 same section of kids that go around. So I don't think
23 -- The numbers don't really change in 6th grade for
24 ELA. Because the same cohort goes from room to room.

25 THE COURT: Okay.

1 THE WITNESS: So pretty much, whatever you
2 would have in Math and Science, you would probably have
3 in Social Studies and ELA as well, in 6th grade and 7th
4 grade.

5 THE COURT: Okay. The students move, the
6 teacher doesn't.

7 THE WITNESS: Exactly. Yes.

8 THE COURT: Okay.

9 THE WITNESS: Hm hmm, Yeah.

10 BY MR. LANG:

11 Q What is "ELA?"

12 A English Language Arts.

13 Q How does having 30 students, or the numbers
14 that you mentioned in the middle grades, how does that
15 affect their achievement?

16 THE COURT: Well, what --

17 MS. JENSEN: Objection, Your Honor. The --
18 There's again a lot of generalizing and assumptions and
19 opinions, and I think that this fact witness should be
20 testifying to specific facts in regards to specific
21 students or specific classes.

22 THE COURT: Or specific performance.

23 MR. LANG: Specific -- Specific --

24 THE COURT: Why don't we start out with what
25 are the scores for the students in Math and Science?

1 Why don't we talk about --

2 MR. LANG: Our --

3 THE COURT: -- what it is that's happening in
4 this school?

5 BY MR. LANG:

6 Q Okay. In the middle school, are the -- the
7 students on par with --

8 THE COURT: Wait., Why don't you ask, in the
9 middle school, do they give tests to determine the
10 progress of the children?

11 THE WITNESS: Yes.

12 THE COURT: Okay. And what tests are those?

13 THE WITNESS: They have Unit benchmarks.

14 THE COURT: Unit benchmarks?

15 THE WITNESS: Hm hmm. Unit assessments.

16 THE COURT: Okay.

17 THE WITNESS: They have PARCC, that we use as
18 a barometer for our students. And then they have an i-
19 Ready, which is a computerized program diagnostic and a
20 mid-year assessment. And they have a beginning of the
21 year and end of the year benchmark.

22 THE COURT: Okay.

23 BY MR. LANG:

24 Q Which test measures the students, or the
25 district, against students throughout -- in other parts

1 of the state?

2 A The PARCC assessment.

3 Q The PARCC assessment. How -- What are the --

4 MR. GROSSMAN: Do you know.

5 BY MR. LANG:

6 Q Do you know the PARCC scores for the kids in
7 the middle school, in general?

8 A Yes. 6th grade I think we had -- Can I -- -- 12
9 or 13 percent proficient. I think 7th grade was also
10 probably about 14, or like in that -- in that area
11 under 15 percent.

12 MS. JENSEN: Objection, Your Honor. I just
13 want to note that the witness is -- appears to be
14 guessing and has not provided the specific foundation
15 for her knowledge.

16 THE WITNESS: Well, can I check my report
17 then?

18 THE COURT: Well, she wants to check her
19 report. Do you have any objection?

20 MR. LANG: I have -- They have it.

21 THE COURT: Do you have her report?

22 THE WITNESS: Oh, it's not in there? Okay.
23 You know, so how about I say that every grade level
24 there was under 20 percent.

25 THE COURT: So that's 6 through 12?

1 THE WITNESS: 6 -- No, in the middle school.

2 6 through --

3 THE COURT: In the middle -- 6 --

4 THE WITNESS: 6 through 8.

5 THE COURT: 6 through 8. Okay.

6 THE WITNESS: Yes.

7 THE COURT: It was under 20.

8 THE WITNESS: Hm hmm.

9 MR. LANG: How does -- How does that compare

10 with --

11 THE COURT: And this is just in Science and

12 Math?

13 THE WITNESS: In just -- I'm sorry. Just for

14 Math.

15 THE COURT: Just for Math.

16 THE WITNESS: Yeah.

17 THE COURT: Okay.

18 THE WITNESS: We don't have PARCC for -- for

19 Science.

20 THE COURT: Okay. So just -- What do you

21 have PARCC for?

22 THE WITNESS: PARCC is for ELA and Math.

23 THE COURT: Okay.

24 THE WITNESS: Sorry.

25 THE COURT: It's for the record.

1 THE WITNESS: Okay.

2 THE COURT: It's okay. So, all right. And
3 how about in the high school? What were the PARCC
4 scores in high school? Do you know?

5 THE WITNESS: Yes. They were all under 10
6 percent.

7 THE COURT: And what year are we talking
8 about?

9 THE WITNESS: Spring, 2 -- Spring, 2017
10 administration.

11 BY MR. LANG:

12 Q So you said that the middle school was 20
13 percent -- all under 20 percent. And in the high
14 school, all the Math scores were under 10 percent.

15 A I'm sorry. Can -- 10 percent and under. I think
16 more were like 10 percent.

17 Q 10 percent and under.

18 A Yeah, I think the high is about 10 percent.

19 Q 10 percent inclusive, I guess.

20 A Hm hmm.

21 Q All right. Have any of these grade levels
22 met the so called target school -- the targets that are
23 imposed by the state?

24 A Yes.

25 Q Specific -- Do you know specifically which

1 ones?

2 A Not the -- The high school didn't. All the
3 elementaries, I think, did -- All elementaries did.
4 And the middle school made it for Math.

5 Q They made it for Math.

6 A I'm pretty sure. Yeah.

7 Q Yeah? Okay. Now, you said that they were
8 all under 20 percent in the middle school.

9 A Hm hmm.

10 Q And you also said they met their target. How
11 does this 20 percent proficiency compare with the rest
12 of the state, the state average proficiency?

13 MS. JENSEN: Objection, Your Honor. Again,
14 the foundation of personal knowledge.

15 THE COURT: I'm going --

16 MR. LANG: All right, what is the state --

17 THE COURT: Well, wait, wait. I'm going to
18 permit that question because she should know what other
19 districts are doing in terms of the results on that
20 test. So, do you know how other states -- other --

21 THE WITNESS: On how the state in general
22 did?

23 THE COURT: Yes.

24 THE WITNESS: I -- It was -- I actually have
25 it. It was -- I think 6th grade at the state was in

1 the 40's and the other two were -- were maybe in the
2 high 30's. 7th and 8th grade were in the high 30's
3 about.

4 BY MR. LANG:

5 Q Okay, so -- Okay, and --

6 THE COURT: That doesn't sound very good
7 actually.

8 THE WITNESS: Well, I'm saying Grade 3 starts
9 at 53 percent for the State. And Algebra 2, which is
10 like the highest level Math, ends at 23 percent. That
11 -- That's for the State. Our numbers are within that.

12 BY MR. LANG:

13 Q Would -- How would -- If you had to give --
14 characterize throughout the District, the scores as --
15 as a ratio or a percent of the State scores, what
16 number would you pick?

17 MS. JENSEN: Objection, Your Honor. I don't

18 --

19 THE COURT: That's too --

20 MR. LANG: Okay. All right.

21 THE COURT: I don't even know where that
22 question was going.

23 MR. GROSSMAN: Ask her if she knows where
24 Lakewood ranks.

25 THE COURT: Okay.

1 Okay. What is needed to bring these students up to
the level of other schools in

1 BY MR. LANG:

2 Q Where does Lake -- Do you know how Lakewood
3 ranks against the State's --

4 A No.

5 Q All right.

6 MR. GROSSMAN: (Whispering out of microphone
7 range.)

8 BY MR. LANG:

9 Q Okay. You mentioned about elementary
10 schools.

11 A Hm hmm.

12 Q What is the -- What are the PARCC scores in
13 terms of proficiency in the elementary schools?

14 A So this year, Grades 3 to 5 were in the -- in the
15 low -- between 20 and 25 percent.

16 Q Between 20 and 25 percent?

17 A Hm hmm.

18 Q Did -- Did they meet their targets?

19 A Yes.

20 Q Do you know what the State scores were for
21 those same grades?

22 A Yes, it was Grade 3 for the State was 53 percent.
23 I think Grade 4 was 47 and Grade 5 was 46.

24 Q Okay. All right. What -- What is needed --
25 You're curriculum supervisor, so this is within your --

1 Okay. What is needed to bring these students up to
2 level? At least up to the level of other schools in
3 the State, which is not great.

4 MS. JENSEN: Objection again, Your Honor.
5 Just on the -- the generalization of the --

6 MR. GROSSMAN: (Whispering out of microphone
7 range.)

8 THE COURT: Yes. We might be able --

9 MR. LANG: What is needed --

10 THE COURT: We might be able -- We might be
11 able to get to that question, but not yet.

12 BY MR. LANG:

13 Q What -- What is needed to improve achievement
14 in the District?

15 THE COURT: Well, first of all, do we know
16 that achievement isn't going up? How -- How have the
17 PARCC scores been? Are they getting better? Have --
18 How are the targets set? I mean, there's a lot of
19 areas that -- that you need to ask before we get to
20 whether those --

21 BY MR. LANG:

22 Q Are these targets that -- A lot of targets
23 were met. What are the targets required? How much of
24 an improvement?

25 A I don't know what the percentage was. But it was

1 a percentage of what -- of what the students were
2 currently functioning at. It was like a percentage of
3 the baseline.

4 Q Okay.

5 THE COURT: So who sets the target?

6 THE WITNESS: The state.

7 THE COURT: Okay.

8 MR. LANG: Okay.

9 THE COURT: And do they do that every year,
10 every other year? Do you know how often they do it,
11 they set a target?

12 THE WITNESS: I don't -- I don't know if it's
13 every year. I don't -- I don't -- I mean, every year
14 we have to make the target. I don't know if it was set
15 for maybe 3 years, where we consistently had to make it
16 or it got switched every year.

17 THE COURT: Hmm.

18 BY MR. LANG:

19 Q And previous year, did the school make --
20 meet its targets?

21 A We didn't make -- No, we did not make it all over.
22 But I do not know, off hand, which schools did and
23 which schools didn't. And I don't know, off hand,
24 which grade levels did and which ones did not.

25 Q So what was the first answer to the question?

1 We --

2 A We had targets to make. We did -- We did not make
3 it all over in the elementary or the middle school for
4 Math.

5 Q Okay. Let me just ask a general question.
6 Are the students at grade level? Are the students in
7 elementary school at grade level?

8 MS. JENSEN: Objection again, Your Honor.

9 THE COURT: You called this witness because
10 she's the supervisor of the curriculum of Science
11 Technology. That's what she's familiar with. Ask
12 questions in that area please, Mr. Lang.

13 BY MR. LANG:

14 Q Are the students in the elementary school in
15 Science and Math at grade level?

16 A Can I speak to Math. I mean, using PARCC, because
17 that's what -- that's what determines our students'
18 proficiency levels. They are not on grade level for
19 Math.

20 Q Okay. So even though they made their targets
21 -- Okay. Let me rephrase that. Strike that. What
22 would be necessary to bring them to grade level?

23 MS. JENSEN: Ob -- Objection.

24 THE COURT: I'll permit that question. As to
25 the elementary school.

1 MR. LANG: As to the elementary school.

2 THE COURT: Because that was where your
3 question was.

4 BY MR. LANG:

5 Q As to elementary school.

6 A I'm saying, based on the scores that we said, from
7 the State for -- from Grade 3 to Algebra 2, Math --
8 Math overall, takes a downward trajectory. So, for us,
9 for the elementary school, if our students are starting
10 at 20 percent, then, you know, we're not so confident
11 that they're going to end up growing when -- when
12 nationally everyone -- Math students tend to decrease
13 every year. So what we -- what we would really need is
14 to make sure that -- that the students who are -- that
15 the students who are entering -- who are in elementary
16 levels are really having -- having their -- having
17 their individual needs met. And when they -- And where
18 they present with deficiencies, there is somebody who
19 can address that deficiency in a way that will help
20 them meet -- meet their grade level standards.

21 Q Are those deficiencies being met?

22 MS. JENSEN: Objection. Again, there are
23 different deficiencies for different students. Are we
24 speaking --

25 MR. GROSSMAN: (Whispering out of microphone

1 range.)

2 MR. LANG: Okay.

3 THE COURT: That's correct.

4 BY MR. LANG:

5 Q Okay. Does the District have people who are
6 on staff to intervene to meet these deficiencies?

7 A Not anymore.

8 Q What do you mean by, "anymore?"

9 A 5 or 6 years ago, we had 20 -- 20 something -- in
10 the low 20's, interventionists. Those are teachers
11 that whose job it is to provide like Tier 3
12 Intervention, which is to really address their skills
13 that are -- for students who are -- who are below grade
14 level. At that point, we had approximately 20
15 interventionists for ELA and for Math. And then due to
16 some budget constrains, they had to reduce that number.
17 When they reduced that number, they -- they eliminated
18 the Math interventionist positions and they decreased
19 the number of ELA interventionists.

20 Q How does this affect students' achievement?

21 MS. JENSEN: Objection.

22 MR. LANG: Oh God.

23 THE COURT: Did it affect student --

24 BY MR. LANG:

25 Q Did it affect student achievement?

1 A I think so.

2 Q If those positions were restored would it
3 help the students?

4 A Absolutely.

5 Q Okay. Why can't the regular teacher do that
6 intervention?

7 A In general, I think -- In general, studies have
8 shown that most elementary teachers are more --

9 MS. JENSEN: Objection again, Your Honor, to
10 studies.

11 THE WITNESS: What?

12 THE COURT: Studies.

13 THE WITNESS: Oh. Okay, by my -- . Okay. So
14 I'm saying -- So, okay, so I'm saying, at our -- I'm
15 saying, with our own staff, most tea -- most teachers
16 express that they are more com -- most elementary
17 teachers express that they're more comfortable with ELA
18 than they are with -- with Mathematics. So -- So,
19 they're doing -- they're doing like the best job they
20 can, you know, teach -- teaching the grade level --
21 teaching the grade level curriculum. However, I'm
22 saying, in order to diagnose or figure out where a
23 student really is lacking, you have to have like a Math
24 background to figure out, well, here's how the kid
25 should have learned it. Here's how -- Here's how I'm

1 going to address it. Generally, because they don't
2 have that background, they end up probably trying to
3 just reteach what they've taught in another fashion,
4 but they're not -- but they're not filling in their
5 students' gaps.

6 BY MR. LANG:

7 Q Does the same teacher teach ELA, English
8 Language Arts and Math in the elementary schools?

9 A Yes. Yes.

10 Q Are the -- Are the students in the elementary
11 schools on grade level?

12 MS. JENSEN: Objection. Again, this is --

13 THE COURT: She's in Math.

14 BY MR. LANG:

15 Q The students on Math in elementary schools,
16 on the Math grade level.

17 MS. JENSEN: Objection again, Your Honor.

18 This has been asked and answered.

19 THE COURT: It has. But just, you can answer
20 it again.

21 BY MR. LANG:

22 Q You can answer it.

23 A Okay. So, judging -- No, judging from PARCC. No.

24 Q What does it mean to be Technology and
25 Engineering? Because that's part of STEM, the STEM.

1 A What? I'm sorry.

2 Q The T and the E of STEM. As is Science, and
3 then there's Math.

4 A But -- Okay, could you rephrase that question.

5 Q All right. You're the supervisor of STEM.

6 A Hm hmm.

7 Q So Science is S and Math is M.

8 A Right.

9 Q What is -- What does it mean in the T and the
10 E. The Tech -- Technology and Engineering, in terms of
11 the District? Are there courses in Engineering? Are
12 there courses in Technology? What does it --

13 A Yes.

14 Q What does it mean?

15 A Technology, the students have a Computer class
16 from when they're in kindergarten. Engineering, they
17 have -- they have at the high school as a full -- as a
18 full course. At the middle school, they introduced for
19 one quarter of -- of Robotics.

20 Q Okay.

21 MR. GROSSMAN: (Whispering out of microphone
22 range.)

23 BY MR. LANG:

24 Q Do you know how that's paid for?

25 A Robotics is through Title 1.

1 Q Title 1? Is that federal?

2 A Yes.

3 Q And what about the other Technology and
4 Engineering?

5 A At the high school?

6 Q Where --

7 A I don't know how it's funded.

8 Q You only know how Robotics is funded?

9 A Hm hmm.

10 Q Okay.

11 THE COURT: Is that a yes? Yes?

12 THE WITNESS: Yes. Sorry.

13 THE COURT: It's for the machine.

14 BY MR. LANG:

15 Q Okay. Is high school Algebra a predictor of
16 graduation?

17 A Yes.

18 Q Why? Why?

19 A Students are not successful --

20 MS. JENSEN: Objection. Are we focusing just
21 on Lakewood here? Is -- This is --

22 THE COURT: I assume so.

23 MS. JENSEN: I'd like that to be clarified.

24 THE COURT: Is that right?

25 THE WITNESS: I mean Algebra 1 happens to be

1 a predictor of all -- of all high school students, of
2 their graduation rate. For students -- I'm saying, for
3 students who are -- who -- If students cannot -- Math
4 -- Math is built on a previous year. So for students
5 who can't get through Algebra 1, there's little
6 likelihood that they'll get through Geometry or Algebra
7 2 for their 3 years of Math.

8 BY MR. LANG:

9 Q Okay. And are the students in Algebra 1 on
10 grade level?

11 A No.

12 Q Okay. What do you spend most of your time on
13 as a content supervisor? Or a curriculum supervisor.

14 A It's -- It's not a most.

15 THE COURT: Hmm.

16 MR. LANG: Well, what do you do?

17 THE WITNESS: Should I say primarily what I
18 do?

19 MR. LANG: Well, I withdraw that question.

20 THE COURT: Yes.

21 THE WITNESS: Sorry.

22 THE COURT: What do you do primarily?

23 BY MR. LANG:

24 Q What do you do?

25 A I work on -- We work on curriculum. We -- We

1 write lessons for teachers, to kind of help them
2 interpret the curriculum and understand. So that they
3 can understand how to deliver it. I give -- I give
4 professional development. I do classroom visits and
5 observations, with feedback to let them know how
6 they're doing. And how -- how they're doing as it
7 relates to the standards and to the curriculum.

8 Q Okay. Would achievement be -- Would -- The
9 fact that the District has just you --

10 MS. JENSEN: Objection, I don't think that --

11 MR. LANG: Oh gosh, how can I phrase this?

12 MS. JENSEN: I don't know the testimony

13 established that the District has --

14 THE COURT: Just her.

15 MS. JENSEN: -- just her.

16 THE COURT: We don't.

17 MR. GROSSMAN: (Whispering out of microphone
18 range.)

19 BY MR. LANG:

20 Q Okay. Would the -- Would it help student
21 achievement if the District had more than one Math and
22 Science supervisor for all 7 schools?

23 MS. JENSEN: I object to --

24 THE COURT: It's the same que -- same
25 objection. It's sustained.

1 MR. LANG: Well, what's the -- I'm just
2 curious about the reason why.

3 THE COURT: Would it help?

4 MR. LANG: Would it help.

5 THE COURT: Of course it would help. I mean,
6 some of this -- some of the questions. Would it help
7 to have 20 Science teachers instead of 10? Of course.
8 Would it help to have 100 instead of 2? Yes. I mean,
9 we're talking here about what's required for a thorough
10 and efficient education. That's -- That's really what
11 this case is about. And there has to be a linkage
12 somewhere. And I assume that's what you're trying to
13 develop from her. What are the core curriculum
14 standards? What is -- What is the trend? What are
15 they doing to meet this? That's really what we should
16 be going to.

17 MR. LANG: What -- What would be necess --

18 THE COURT: Not just what else would help.
19 We don't --

20 MR. LANG: Well.

21 THE COURT: Even Colts Neck or, you know,
22 Deal; rich districts. They would want more too if they
23 could.

24 MR. LANG: Well, what I'm trying to establish
25 is that we -- the District has less.

1 THE COURT: The District had a number.

2 What's the number?

3 MR. LANG: The District has one curriculum
4 supervisor for all 7 schools.

5 THE COURT: And?

6 MS. JENSEN: I also don't think that that was
7 in evidence at any point, Your Honor, that she's the
8 only supervisor in the Lakewood School District.

9 MR. LANG: For --

10 THE COURT: I thought she -- I thought she
11 said she was the only one.

12 MR. GROSSMAN: That's what she said. She
13 said --

14 MR. LANG: That's what she said.

15 MS. JENSEN: She may have been the only
16 supervisor for STEM.

17 THE WITNESS: For STEM.

18 THE COURT: For STEM.

19 THE WITNESS: Right.

20 MR. LANG: That's what I meant.

21 THE COURT: Yeah, just for STEM.

22 THE WITNESS: Oh, okay.

23 BY MR. LANG:

24 Q Okay. Are you familiar with other districts
25 have more than one curriculum supervisor for STEM?

1 A Yes.

2 Q Do they?

3 A Many do. We had an Algebra -- For the State, we
4 had an Advancing Algebra Committee. It was -- It was
5 some college professors and supervisors from other
6 districts. And -- And yes, there were some that were
7 only 6 to 12 Math supervisors.

8 Q Were there some that -- Were there any that
9 had one supervisor for -- for the whole district?

10 A I wouldn't know.

11 Q Okay. Is -- What are the stages -- Is there
12 something involved in your job called the stages; first
13 stage, second stage, third stage?

14 A That's how I envisioned it, but there's nothing
15 official. I mean, that's how I wrote it, but that's --
16 there's no --

17 Q What is the first stage?

18 MS. JENSEN: Can we clarify what --

19 THE COURT: Yeah, wait. What are we talking
20 about?

21 MR. LANG: Well, there was a report. That's
22 why I'm asking this question. But she --

23 THE COURT: She's a fact witness.

24 MR. LANG: You're right.

25 THE COURT: She's not an expert.

1 BY MR. LANG:

2 Q Okay. All right. So. All right, fine.
3 What are the -- the stages involved in -- Or, the --
4 Could you describe the process in -- in your job in
5 terms of the first thing that has to be done, second
6 thing or third thing?

7 MS. JENSEN: In regards to?

8 THE COURT: To what?

9 MR. LANG: To teacher development and student
10 achievement.

11 MR. GROSSMAN: Well, that's like 6 questions.

12 MR. LANG: Okay.

13 THE COURT: Thank you, Mr. Grossman.

14 MR. GROSSMAN: I'm sorry, Your Honor. You
15 know, he didn't realize.

16 THE COURT: Yeah, you can pick all this up.
17 But yes, that's like 6 questions.

18 MR. GROSSMAN: I'm sorry.

19 THE COURT: So, just one at a time.

20 BY MR. LANG:

21 Q Are there stages in -- in the process of
22 supervision?

23 A I have stages.

24 Q Could you describe them?

25 THE COURT: If you don't understand the

1 question, you can say you don't understand the
2 question.

3 THE WITNESS: I mean, I'm saying -- No, I
4 think I understand the question. But, like I don't --
5 Oh yeah. Sorry. I don't understand the question. Are
6 you asking officially or --

7 BY MR. LANG:

8 Q Not officially.

9 A -- or how I -- or what I do in my own job?

10 Q Your own job.

11 A Okay. So I'm saying. Yes. So -- So we start
12 out, like the first -- I'm saying this is all to make
13 sure that our students are getting, like, are getting
14 like a solid education and solid instruction. So we
15 start out Step 1, we take the -- we took the common
16 core standards, the New Jersey learning standards,
17 which for Math didn't really change that much. We --
18 We write curriculum, and we actually write out lessons,
19 just to help teachers understand like what the main
20 thing they're trying to get across to their students.
21 And especially for Math, because -- because the common
22 core standards speak to the conceptual, we -- we try to
23 give teachers an understanding of the mathematical
24 concepts. Almost --

25 THE COURT: Because -- Because teachers don't

1 study Math.

2 THE WITNESS: Correct. Right. See, teachers
3 are in college for like Elementary Ed. So, they --
4 Like I said before, they pretty much bring their own
5 experiences of how they were taught. Many of them
6 never -- never received instruction with the common
7 core standards. So they definitely were probably
8 taught very procedurally. So for some of them it
9 really is new, and they're not going back to college
10 for this. So, it's really our -- it's really our job
11 to make sure that they can -- that they understand the
12 standards and they understand the mathematical concepts
13 behind them. That --

14 THE COURT: So essentially, you first have to
15 teach Math to the teachers.

16 THE WITNESS: Correct. Okay. So -- So when
17 we started write -- So when we started writing our
18 curriculum, we ended up -- I mean, it just -- It ended
19 up turning into, for the elementary teachers, almost
20 like a day to day lesson, because we really want them -
21 - we really want them to try to stay away from giving
22 the kids rules. Just because it's -- it's just like
23 too difficult for our students to come away at 3rd
24 grade, having -- having had learned, you know, maybe
25 100 rules that only apply in 3rd grade and won't even

1 be relevant in 4th and 5th grade. That -- That to me
2 was Stage 1. Where we just really, like, sat down and
3 made sure that -- Initially when we first did it, we
4 just took the New Jersey model curriculum questions and
5 now we do it with PARCC questions. We make sure that
6 everything we're doing is really addressing the
7 standards at the level the kids are going to be
8 expected to -- to achieve at that level.

9 Part of that was, like the 2nd stage, after
10 that, is to roll out to the teachers. We provide -- We
11 provide professional development in the individual
12 buildings. Generally -- Generally before -- before
13 every Math unit. But sometimes maybe it'll be before
14 every, you know, before every two units. We -- We
15 train them on, kind of on what to say and what not to
16 say. And how -- And how to get the kids to generalize
17 and reason about these mathematical ideas, rather than
18 just giving them a rule that -- that they can apply
19 like for that day's lesson.

20 And then the third part, I'm saying as solid
21 as a curriculum can be, and as -- as strong as a
22 curriculum can be, it's only as effective as the
23 teacher who is actually delivering that -- that
24 instruction. So the third part would be for -- would
25 be for me to go into the classrooms and to see how

1 they're implementing it, and providing feedback. We
2 have a walkthrough form; provide feedback for them.
3 And -- And sometimes, when it warrants it, I'll
4 actually meet with them just to make sure that they
5 really understood what -- what was written up in -- in
6 the forms.

7 BY MR. LANG:

8 Q Will you characterize that Thursdays is
9 observation?

10 A I'm sorry.

11 Q Observation.

12 THE COURT: Observation.

13 BY MR. LANG:

14 Q Observation and feedback. So we have work --
15 Is that -- Is that what it is?

16 A Well, I'm saying, the -- I do the observation,
17 which is the more formal one, which goes into their
18 file. And then we do walkthroughs, which are classroom
19 visits. They get a writeup, and it's not a formal
20 observation.

21 Q But -- Okay, so let's just call it Stage 3
22 then.

23 A Okay.

24 THE COURT: She did. Let's call it Stage 4.

25 BY MR. LANG:

1 Q Is there a Stage 4?

2 A I lumped it all in Stage 3. Maybe Stage 4 would
3 be to like do the followup again, but it's all lumped
4 together in my head.

5 Q Okay. So Stage 3 -- Okay. So what is the
6 most critical of these stages in -- in developing -- in
7 curriculum supervision?

8 MS. JENSEN: Objection, Your Honor. I just
9 want to clarify that we're talking specifically about
10 her job and her opinions --

11 THE COURT: That's what I thought.

12 MS. JENSEN: -- of what's important in her
13 job.

14 THE WITNESS: I think -- I think the third
15 piece. I mean, obviously the -- obviously the
16 curriculum and everything has to be grade level and
17 standards aligned. But -- But I think -- I think it's
18 critical to actually see it get implemented. To see --
19 To see how students respond to that instruction. To
20 see how the teacher addresses students'
21 misunderstandings. You know, just to make sure that --
22 that the content is being delivered in a way that
23 actually meets their -- meets their needs.

24 BY MR. LANG:

25 Q Is that difficult to monitor in Lakewood --

1 Or for Math and Science?

2 A It's difficult to monitor it time wise. Because
3 at the middle school and high school, those teachers
4 generally teach just that one content. So there's
5 fewer teachers. At the elementary level, there are
6 many, many teachers -- I mean, every elementary teacher
7 teaches Math as well, so. And it's not -- And it's not
8 their only focus either. So it -- it's just -- It's
9 just time wise, it's just very, very hard to get into
10 teachers' classrooms. And -- And then to do a
11 followup. Like, I'm saying, like going in once is not
12 always so significant. It's more like the feedback.
13 And then the followup again, to make sure that they're
14 actually implementing it, the second time around.

15 Q Does that somewhat --

16 A And that's difficult to do.

17 Q Does that somewhat undermine the work done in
18 the first two stages? The failure to -- to --

19 A Yes. Yes.

20 Q Okay. Is there anything -- Do you have any
21 concerns -- concerns concerning student achievement in
22 Lakewood?

23 MS. JENSEN: Objection, Your Honor. It's
24 just a very broad question.

25 THE COURT: It is broad. But I'll let her

1 answer that question.

2 THE WITNESS: Yes. We're -- We're performing
3 well below the State average. And especially for
4 students in Lakewood, I feel like our goal for them is
5 proficiency for -- for every child.

6 BY MR. LANG:

7 Q Can you foresee us -- Do you foresee the
8 District catching up to the State level at the current
9 -- the current funds available for hiring teachers?

10 MS. HOFF: Objection, Your Honor. It's
11 called -- speculation.

12 THE COURT: It does.

13 MS. HOFF: There's no foundation.

14 MR. LANG: Okay.

15 THE COURT: It does.

16 BY MR. LANG:

17 Q Do you -- Based on the improvement that you
18 have seen, do you see -- How can I say this without
19 speculation?

20 THE COURT: Well, why don't just ask her,
21 Have you seen improvement?

22 THE WITNESS: Yes, we have seen improvement.

23 THE COURT: Over how many period -- how many
24 years?

25 THE WITNESS: We're -- We're seeing now, in

1 grades 3 to 5, signif -- for us, significant
2 improvement.

3 BY MR. LANG:

4 Q Is there improvement in the high school?

5 A I'm -- I'm not sure -- I'm not sure it would even
6 count. Specifically, maybe it's 1 or 2 percentage
7 points.

8 Q And middle school?

9 A About the same. 1 to 2.

10 Q Okay.

11 THE COURT: This is in Math.

12 THE WITNESS: I'm sorry. Yes, in Math.

13 THE COURT: Math?

14 THE WITNESS: Yes.

15 MR. LANG: Okay. And I think that's it.

16 THE COURT: All right. Thank you, Mr. Lang.

17 Ms. Jensen?

18 MS. JENSEN: Can we break, Your Honor?

19 CROSS EXAMINATION BY MS. JENSEN:

20 Q As the STEM supervisor in Lakewood, you
21 supervised the District wide implementation of the Math
22 Common Core State Standards.

23 A Correct.

24 Q Currently the student learning standards.

25 A Right.

1 Q And in order to implement the State
2 standards, you helped create the Math curriculum for
3 grades K to 12.

4 A Hm hmm.

5 Q And that curriculum is based on the student
6 learning standards. And you provide training to
7 teachers to ensure that they understand all of the
8 elements of the curriculum.

9 THE COURT: Is that a yes?

10 MS. JENSEN: Can you please verbalize your
11 answer.

12 THE WITNESS: I mean to -- to help them
13 understand it. Yes.

14 BY MS. JENSEN:

15 Q To help them understand the curriculum.

16 A Hm hmm. Yes.

17 Q So, you also supervised the District wide
18 implementation of the Next Generation Science
19 Standards?

20 A Yes.

21 Q And those standards are consistent with the
22 State student learning standards for Science.

23 A Hm hmm.

24 Q Is that right?

25 A Yes.

1 Q And you assisted in writing the curriculum
2 aligned to the Next Generation Science standards.

3 A Correct. With a committee. Oh, okay.

4 Q That's fine. With the committee you created
5 curriculum that's consistent with the State standards.

6 A Correct. Yes. Hm hmm.

7 Q And that curriculum that you created on the
8 Science standards, that is being implemented in the
9 Lakewood School District. Is that right?

10 A Yes.

11 Q So you're the supervisor of STEM.

12 A Yes.

13 Q The District has other supervisors.

14 A Correct.

15 Q Right? And those supervisors are responsible
16 for developing curriculum in the other subject matters
17 that they supervise. Is that right?

18 A Correct.

19 Q We had some talk about teachers being new to
20 the Lakewood School District, and in recent years. But
21 every teacher hired by the Lakewood School District has
22 to be certified by the New Jersey Department of
23 Education. Is that right?

24 A Correct.

25 Q And a teacher who's new to Lakewood could

1 also have had prior experience in another school
2 district. Isn't that right?

3 A Yes.

4 Q And so just because a teacher's new to
5 Lakewood, does not necessarily mean that the teacher is
6 inexperienced. Isn't that right?

7 A Correct.

8 Q Similarly, just because a teacher is
9 inexperienced, does not mean that the teacher is
10 ineffective. Right?

11 A Right.

12 Q So you said you're involved in the hiring
13 process for teachers.

14 A Hm hmm.

15 THE COURT: Yes?

16 MS. JENSEN: Yes?

17 THE WITNESS: Yes.

18 BY MR. JENSEN:

19 Q Yes. So are you aware that, in fact, the
20 teachers coming in to the Lakewood School District, on
21 average, have had at least 4 years of prior experience?

22 A No.

23 MR. LANG: Objection.

24 THE COURT: She's already answered the
25 question.

1 THE WITNESS: Okay.

2 MR. GROSSMAN: (Whispering out of microphone
3 range.)

4 MR. LANG: Okay.

5 BY MS. JENSEN:

6 Q You also mentioned that you were involved in
7 the evaluation of teachers?

8 A Yes.

9 Q Is that right? So you're aware of the
10 teacher evaluation system established pursuant to the
11 TeachNJ Act?

12 A Yes.

13 Q And that requires school districts to rate
14 teachers as ineffective, partially effective, effective
15 or highly effective, in every school year.

16 A Right.

17 Q Is that correct?

18 A Correct.

19 Q And -- And Lakewood complies with that
20 requirement?

21 A Yes.

22 Q Are you aware that in the 2015/2016 school
23 year, Lakewood rated only 2 out of 396 teachers as
24 ineffective as partially effective?

25 MR. LANG: Objection. She's only STEM.

1 MS. JENSEN: I asked if she was aware.

2 THE COURT: Yeah, she said she was.

3 MS. JENSEN: I mean, she can say no.

4 THE COURT: She said she was aware.

5 MR. LANG: Okay.

6 THE COURT: Two out of 300?

7 MS. JENSEN: Two out of 396. Were you aware
8 of that number?

9 THE WITNESS: No.

10 BY MS. JENSEN:

11 Q Do you have any basis to dispute that number?

12 A Nope.

13 Q And in the 14/15 school year, Lakewood rated
14 only 2 out of 304 teachers as ineffective or partially
15 effective. Were you aware of that?

16 A No.

17 Q Do you have any basis to dispute that number?

18 A No.

19 Q And you briefly mentioned the PARCC
20 assessments.

21 A Hm hmm.

22 Q Those are administrated in the Lakewood
23 School District?

24 A Correct.

25 Q And they were administered in the 2015/2016

1 school year.

2 A Correct.

3 Q And then again in the 2016/2017 school year.

4 A Correct.

5 Q And I -- I think you did mention this. But
6 just to be clear. That the District's impor --
7 performance did improve from one school year to the
8 next. Is that right?

9 A Correct.

10 Q I believe you also mentioned that the
11 District used to have Math Intervention teachers.

12 A Yes.

13 Q Is that right? And that the District chose
14 to cut its Math Intervention teachers a few years back.

15 A I'm not sure it means chose. But they -- they
16 were cut. Yes.

17 Q Did you also -- Did you also say that the
18 District increased its number of ELA Intervention
19 teachers?

20 A Decreased.

21 Q Decreased that number as well.

22 A Hm hmm.

23 Q So the District does provide Tier 2 and Tier
24 3 Mathematics Intervention through the i-Ready Math
25 computerized intervention program. Isn't that right?

1 A Yes. Can I say a but or no?

2 Q It's just a yes or no, please.

3 A Oh. Yes.

4 Q Thank you. As Lakewood's STEM supervisor,
5 are you involved in the creation of Lakewood School
6 District's budget at all?

7 A No.

8 Q And you've been in Lakewood since 2007.
9 Isn't that right?

10 A Yes.

11 Q And during that time, you haven't worked in
12 any of the other school districts?

13 A No.

14 MS. JENSEN: No. Thank you. That's it, Your
15 Honor. No more questions.

16 THE COURT: All right. Thank you.

17 MR. LANG: Redirect?

18 THE COURT: Any -- Any redirect?

19 REDIRECT EXAMINATION BY MR. LANG:

20 Q Yeah. What is i-Ready program?

21 A i-Ready is a computerized intervention program.

22 Q How effective is this?

23 A Hopefully it's effective.

24 Q How -- How many students -- It's a computer
25 pro --

1 A I mean, it pretty mu -- I'm saying, last year we
2 did it aligned with one school that used it with
3 Fidelity. And the number of students proficient on i-
4 Ready, very closely matched the number of students who
5 were proficient on PARCC. So as far as being reli -- a
6 reliable program, we -- we found it to be a reliable
7 program.

8 (Knock Knock)

9 MR. LANG: How's that -- Do you know how
10 that's paid for, the i-Ready program?

11 (Knock Knock)

12 THE WITNESS: Through Title 1.

13 MR. LANG: Title 1?

14 THE WITNESS: Yes.

15 MR. LANG: Okay. I think that's it. That's
16 it now.

17 (Courtroom Door)

18 UNIDENTIFIED FEMALE: Hi. --

19 UNIDENTIFIED MALE: (Whispering out of
20 microphone range.)

21 MR. LANG: Thank you.

22 THE COURT: All right. Thank you very much.
23 You're excused.

24 THE WITNESS: Thank you.

25 THE COURT: Thank you.

1 (Courtroom Door)

2 THE COURT: You didn't have anything else,
3 did you, Ms. Jensen?

4 MS. JENSEN: No, I did not. Thank you, Your
5 Honor.

6 THE COURT: Okay. All right. So, I think
7 you might want to tell your 3 o'clock witness to not
8 come.

9 MR. LANG: He's not coming. Michael just
10 emailed me.

11 THE COURT: Oh.

12 MR. LANG: He's not coming.

13 MS. HOFF: Oh.

14 MR. LANG: So we just have the high school
15 principal.

16 THE COURT: All right. So it's 1:30 now. So
17 we'll meet, let's say, around 2:15 or so?

18 MR. GROSSMAN: Great.

19 THE COURT: All right. We'll see you then.

20 (LUNCHEON RECESS)

21 THE COURT: Okay. Now, you can do it.

22 MR. GROSSMAN: Your Honor, we call Ms. Marcy
23 Marshall.

24 THE COURT: All right. If you would just
25 stand there. Please raise your right hand.

1 M A R C Y M A R S H A L L, PETITIONER'S WITNESS,
2 SWORN.

3 THE WITNESS: Yes, I do.

4 THE COURT: Okay. State your name.

5 THE WITNESS: Marcy Marshall.

6 THE COURT: M-A-R?

7 THE WITNESS: C-Y. And M-A-R-S-H-A-L-L.

8 THE COURT: All right. Thank you. Have a
9 seat. Just keep your voice up. Everything is being
10 recorded so it must be answered verbally.

11 THE WITNESS: Okay.

12 THE COURT: All right. Thank you.

13 MR. GROSSMAN: Speak into the microphone.

14 THE WITNESS: Okay.

15 MR. GROSSMAN: Please.

16 THE COURT: That's not really a microphone.

17 THE WITNESS: Is it?

18 MR. GROSSMAN: Oh, I thought it was
19 recording.

20 THE COURT: It's a recording device.

21 MR. GROSSMAN: Oh. Well. Sorry.

22 THE COURT: It doesn't magnify anything you
23 say, it just records what you say.

24 THE WITNESS: Okay.

25 THE COURT: All right. So, Mr. Grossman.

1 DIRECT EXAMINATION BY MR. GROSSMAN:

2 Q Okay. Ms. Marshall, would you please tell us
3 what you do for a living?

4 A I am currently the principal of Lakewood High
5 School.

6 Q And how long have you been the principal of
7 Lakewood High School?

8 A This is my fifth year.

9 Q And prior to that, what did you do?

10 A I was the district director of guidance for two
11 years.

12 Q What district?

13 A Lakewood School District.

14 Q And before that?

15 A Assistant principal of Lakewood High School for
16 one year.

17 Q And before?

18 A School counselor at Lakewood High School for one
19 year.

20 Q Before that?

21 A School counselor at an elementary school in the
22 Lakewood School District for seven years.

23 Q And before that?

24 A Teacher at a elementary school in the Lakewood
25 School District for seven years.

1 Q Okay. And before that?

2 A That's it. That's where I began my career.

3 Q That's where you started.

4 A Hm hmm.

5 Q Okay. What's your highest level of
6 education?

7 A I have two Master's degrees.

8 Q Wow. In what?

9 A One is in Administration. And one is in
10 Education.

11 Q Okay. And you got them from where?

12 A Georgian Court University.

13 Q Which is located in?

14 A Lakewood.

15 Q Okay. And where did you go to high school?

16 A High School, I did one year at Lakewood High
17 School and then con -- finished in Tom's River.

18 Q And you went to school -- pre high school --
19 You spent -- Where did you go to school in grammar
20 school and --

21 A K through 8 I went to Lakewood Public Schools.

22 Q And where did you go to college?

23 A Springfield College in Massachusetts.

24 Q So you effectively -- You either lived or
25 worked in Lakewood your whole life, except for the time

1 you were in college or high school. Correct?

2 A Correct.

3 Q Okay. Now. Okay. In the time at which -- I
4 think you said were the the -- You've been the
5 principal now for 5 years. This is your fifth year?

6 A Correct. This is my fifth year.

7 Q Okay. Can you describe the student
8 population of Lakewood, in terms of -- of Lakewood High
9 School, in terms of ethnicity?

10 A Hm hmm.

11 Q Do you know the percentages?

12 A Almost 85 percent Hispanic. The rest of the
13 makeup is African American and a small percentage of
14 Caucasian. Less than 5 percent Caucasian.

15 Q And how many -- Do you know offhand --
16 Offhand. Do you know how many students qualify for
17 free meals?

18 A 100 percent of our students received free or
19 reduced lunch.

20 Q And what is that based on?

21 A Their socioeconomic status of their families.

22 MS. HOFF: Objection. Is it that 100 percent
23 -- He asked if they -- How many qualified, not how many
24 received free and reduced lunch.

25 BY MR. GROSSMAN:

1 Q How many received free lunches?

2 A 100 percent.

3 THE COURT: I guess it was the same thing.

4 MR. GROSSMAN: I thought that was --

5 MS. HOFF: Not quite.

6 BY MR. GROSSMAN:

7 Q Okay. Now, as principal of Lakewood High
8 School, do you -- Your Honor, I'm sorry. How long have
9 you been in Lakewood High School all together?

10 A 8 years.

11 Q Okay. And that's as principal, guidance
12 counselor, and as assistant principal. Correct?

13 A Yeah. The director job was District wide.

14 Q District wide.

15 A Hm hmm.

16 Q Okay. Now, in a -- Well, during that period
17 when you were District wide guidance counselor, where
18 was your off -- Was your office in the high school?

19 A Yes.

20 Q Okay. Over that 8 year span, can you
21 describe whether or not you've lo -- gained or lost
22 programs?

23 A We've lost programs.

24 Q Okay. What have you lost?

25 A We've lost some in-house vocational programs for

1 our students.

2 Q And by that, what do you mea?

3 A We used to have a variety of programs that we
4 could keep our students in-house. For example, auto
5 mechanics, which --

6 Q Is that an auto shop?

7 A Yes.

8 Q Okay. What else?

9 A Wood shop.

10 Q You don't have a wood shop anymore.

11 A No.

12 Q Okay. What else?

13 A A graphic arts program.

14 Q Anything -- Anything else?

15 A Metal shop.

16 Q Have you lost -- Did you ever have a
17 Cosmetology program?

18 A No, we did not.

19 Q Okay. Okay, why did you lose programs? If
20 you know.

21 MS. HOFF: Objection. That calls --

22 MR. GROSSMAN: I said, if she knows.

23 THE COURT: If she knows.

24 MS. HOFF: Okay.

25 THE WITNESS: I'm not sure. I know the rooms

1 were used for other purposes. I was never really
2 informed why they used the rooms. And they were taken
3 away to accommodate other offices there.

4 BY MR. GROSSMAN:

5 Q And what are -- What offices are there?

6 A Right now, the Board Office, the Central office is
7 located there.

8 Q Okay. Do you have any vocational programs
9 now?

10 A We do.

11 Q And what do you have?

12 A We have a Culinary program, TV Production, Digital
13 Photography, Fashion Design.

14 Q Do you know how those programs are funded?

15 A Yes, I do.

16 Q How are they funded?

17 A Through the Perkins Grant.

18 Q And what is that? If you know.

19 A It's a federally funded grant that most -- a lot
20 of high schools get some funding towards. So that pays
21 for the equipment and the programs to run. And the
22 district pays for the teachers.

23 Q If -- Do you know how much federal funding
24 you got in the last -- in 2016/17?

25 A The high school specifically got approximately 1.5

1 Million.

2 Q And for 2017/2018?

3 A The high school received 183 Thousand.

4 Q As a result of that loss of A Million Dollars
5 in funding, were there any results -- any consequences
6 to the program, high school program?

7 A A lot of programs that were funded through that,
8 and also teacher's stipends for after school programs
9 were -- obviously had to be cut.

10 Q Okay. What was cut?

11 A We had an after school tutoring program that was
12 cut. We also had a -- We call it an Achievement
13 Academy. It was more like a Twilight Academy.
14 Students came to school at 2 o'clock when our regular
15 day ended, and they stayed until 7. While we were able
16 to run it very minimally this year, we lost a lot of
17 that funding for that program. Math consultants,
18 curriculum -- curriculum writing. We -- We had a lot
19 of college career readiness programs, that we sent
20 students on trips to different colleges on the weekends
21 through a program.

22 Q Okay. Now, what's -- By the way, how big is
23 Lakewood High School?

24 A We have about 12 Hundred students.

25 Q And what time does your -- What time do you

1 start school?

2 A First period bell rings at 7 a.m.

3 Q Okay. Now, based on your background and
4 experience, without asking you -- generally, do you
5 consider that an early time or -- or is -- Is there any
6 significance to starting at 7 o'clock?

7 MS. HOFF: Objection. Relevance. It doesn't
8 matter what time the high school starts.

9 MR. GROSSMAN: Oh, it may.

10 THE COURT: Well, I'll hear what time the
11 school starts and why, if she knows. If she knows.

12 MR. GROSSMAN: Well, it will tie it up, Your
13 Honor. Is there any significance to that?

14 THE WITNESS: It's early.

15 BY MR. GROSSMAN:

16 Q Okay. And does that present a problem for
17 any of your students?

18 A Yes, it does.

19 Q Okay. Why?

20 A Many of my students have to work to support their
21 families. So a lot of them are able to start their
22 jobs at 3 o'clock, when they get home. And they work
23 until sometimes, 2, 3 in the morning.

24 Q Okay. Does that have an impact on any aspect
25 of their school attendance?

1 MS. HOFF: Objection. That calls for
2 speculation. She can testify to school attendance, but
3 she doesn't necessarily know why school attendance is
4 the way it is.

5 MR. GROSSMAN: Well.

6 THE COURT: It wasn't --

7 MR. GROSSMAN: She's the principal, that's
8 her job to know.

9 MS. HOFF: That's --

10 THE COURT: I'm going to permit these
11 questions. Are you talking about attendance?

12 MR. GROSSMAN: Yes.

13 THE COURT: So starting early affects
14 attendance.

15 MR. GROSSMAN: Yes.

16 THE WITNESS: So we're -- we are watching our
17 chronic absenteeism rate as per the State and the
18 reports that have been out. And it's significantly
19 higher than most districts. In many conversations with
20 students, that I have daily, and attendance meetings
21 that I have daily, I could tell you a lot of the reason
22 why they are chronically absent is because of work.

23 BY MR. GROSSMAN:

24 Q What time do the buses start picking them up?

25 A 6:15.

1 Q So --

2 THE COURT: Well, why do they start so early?
3 Why do you start so early?

4 THE WITNESS: District makes the calendar,
5 makes the time. I really, unfortunately, don't have
6 much impact on that. Because I would definitely
7 recommend we start later.

8 MR. LANG: --

9 BY MR. GROSSMAN:

10 Q Do you know the reason for -- Do you know --
11 Do you know how the -- whether or not the busing
12 schedule is impact -- results in an impact?

13 MS. HOFF: Ob -- jection.

14 THE COURT: No, don't put words in her mouth.

15 MR. LANG: (Whispering out of microphone
16 range.)

17 THE COURT: She said she doesn't know why.

18 MS. HOFF: She said she doesn't know why.

19 THE COURT: She doesn't know why it starts so
20 early.

21 MR. LANG: --

22 THE COURT: I have to say, that is early.

23 MS. HOFF: I have said no 5.

24 MR. LANG: (Whispering out of microphone
25 range.)

1 MR. GROSSMAN: Stop.

2 MR. LANG: (Whispering out of microphone
3 range.)

4 MR. GROSSMAN: Stop.

5 THE COURT: For someone who's a night owl,
6 that's very unhealthy.

7 MS. HOFF: The high school's hurt.

8 BY MR. GROSSMAN:

9 Q I thought -- I thought it was your -- Just so
10 we're clear, you don't know why the -- the school day
11 starts so early.

12 MS. HOFF: Objection. She asked -- It was
13 asked and answered.

14 MR. GROSSMAN: All right. It was asked and
15 answered.

16 THE COURT: Hmm.

17 MR. GROSSMAN: That's what I thought.

18 THE COURT: Well, can we break it down into
19 like how many students are in 9th Grade, 10th Grade,
20 11th Grade, 12th Grade? Is it -- What? 300 in each?
21 Or is it different?

22 THE WITNESS: Freshman are -- The 9th Grade
23 is the largest class. We have about 350. Sophomores
24 decline a little; we have about 320. Juniors, 11th
25 Grade, about 280. And then Seniors is our -- That's

1 our smallest class. We have approximately 220, 230.

2 BY MR. GROSSMAN:

3 Q Do you have a drop -- Do you know what the
4 dropout rate is?

5 A It was, last year, 4 percent. But it calculates
6 over a 4 year period of time. And we have a lot of
7 kids leaving and coming back. So, you know, if it's
8 the same student that re-enrolls, you don't really
9 count them as a dropout.

10 Q What's your graduation rate?

11 A 75.4 percent.

12 Q And that -- that was for 2016/2017.

13 A Yes. Correct.

14 Q Do you know what your graduation rate was for
15 2014 -- Well. Wait, I'm sorry. 2015/2016?

16 A It was a little bit lower, at 75.2, I believe.
17 Just tenths below.

18 Q And the year before?

19 A 74.8 maybe, around there. Sorry I don't know the
20 exact numbers.

21 Q Okay. Now --

22 A We've been climbing slowly. I know that.

23 Q Okay. Do you know what the State graduation
24 rate is?

25 A Around 90 percent.

1 Q Not having been a Mathematician, it looks to
2 me like that you've got 15 percent below the State
3 average. Is that correct?

4 A Approximately. Yes.

5 Q Okay. And do you have an idea of what
6 accounts for that?

7 MS. HOFF: Objection. That calls for --

8 MR. GROSSMAN: They --

9 MS. HOFF: There have been no foundation laid
10 that she knows about anything with regards to the other
11 school districts, the reasons behind their graduation
12 rate, the State average graduation rate.

13 THE COURT: But she does know what might
14 contribute to Lakewood.

15 MR. GROSSMAN: Lakewood's.

16 MS. HOFF: Right.

17 MR. GROSSMAN: And that's all I'm asking.

18 THE COURT: So that's --

19 MS. HOFF: Okay.

20 THE COURT: It's Lakewood's.

21 BY MR. GROSSMAN:

22 Q Do you know what contributes to the dropout
23 rate?

24 A A lot --

25 Q I'm sorry.

1 A The graduation.

2 Q Not the dropout, the graduation rate.

3 A Hm hmm. A lot of it is attendance, that's a major
4 issue. A lot is our ELL population.

5 Q What's ELL stand for? For the record.

6 A I'm sorry. English Language Learners. We have
7 some students that -- who arrive with barely any
8 schooling. And, you know, some of -- a lot of them are
9 17, 18 years old. And the last time they attended
10 school in their country, their native country, was 5th,
11 6th Grade. So it's nearly impossible with a short
12 amount of time to catch them up to State requirements.

13 Q Okay. Does Lakewood High School have any
14 security problems?

15 A We have security specialists. Security guards.

16 Q How many.

17 A 8 of them.

18 Q Are they armed or unarmed?

19 A They are armed retired police officers.

20 Q Do you have metal detectors?

21 A Yes.

22 Q Okay. Now, do you have an athletic program?

23 A Yes, we do.

24 Q Okay. And can you describe it, please?

25 A A successful program. We have a lot of students

1 increasingly participating in every sport for 3
2 seasons.

3 Q And how is that funded?

4 A Right now -- Well, for this current year, the
5 Lakewood Township funded it.

6 Q Not the -- Not the school budget.

7 A No.

8 Q And are you going to have an athletic program
9 next year?

10 A I hope so. I -- I can't answer that. I'm not --
11 I don't know. I certainly hope so.

12 THE COURT: What -- What sports do you offer?

13 THE WITNESS: In the fall we offer Girl's
14 Volleyball. Football. Field Hockey. And -- Am I
15 missing some? Spring -- I mean, Winter, -- I'm sorry.
16 -- we offer Boy's and Girl's Bowling. Girl's and Boy's
17 Basketball. Indoor Track. Help me, Mr. Lang. In the
18 Spring, we offer Girl's Softball, Boy's Baseball.
19 Outdoor Track. I think I got everything.

20 THE COURT: Okay.

21 BY MR. GROSSMAN:

22 Q Okay. And --

23 A Tennis, in the fall and spring. I apologize.

24 THE COURT: Tennis?

25 THE WITNESS: Tennis. Girl's and Boys.

1 THE COURT: Okay. And what percentage of
2 students do -- would you say participate in sports?

3 THE WITNESS: Right now we have approximately
4 400 student athletes.

5 BY MR. GROSSMAN:

6 Q How many -- Do you have full-time coaches?

7 A Yes.

8 Q Okay. Are -- And who -- What are they?

9 A They're teachers. Mostly teachers that, you know,
10 stay and coach after school, after their work hours.

11 Q Okay. Do you have a trainer?

12 A We have a part-time trainer who's not a school
13 employee, but contracted out through the District.

14 Q Do you know how he's paid for?

15 A I believe the Township funded all of the athletic
16 related programs.

17 Q Okay. So that all that stuff is paid for by
18 the Township.

19 A Yes.

20 Q Okay. All right. Before the Township funded
21 it, did -- funded the program, was it -- did you have
22 an athletic program?

23 A Yes.

24 Q And it was -- Was that part of the school
25 funding?

1 A Yes.

2 Q Okay. And was that roughly comparable to
3 what you offer now? Well, let me take out the word
4 roughly and let me ask the question. Was that
5 comparable to what you offer now?

6 A Yes.

7 Q Okay. Do you have an athletic director?

8 A We have a teacher who receives a stipend to be the
9 athletic director.

10 Q Not a full-time athletic director.

11 A Correct.

12 Q What does the teacher teach?

13 A He teaches a limited schedule now of Phys Ed and
14 Health.

15 Q And it's limited because he -- just --

16 MS. HOFF: Uh --

17 MR. GROSSMAN: Why is it limited?

18 THE WITNESS: We had to rearrange the
19 schedule to free him up a little bit so he can do both.

20 MR. LANG: --

21 BY MR. GROSSMAN:

22 Q And prior to this year, did you have a full-
23 time athletic director?

24 A Yes.

25 Q Okay. And prior to this year, did you have a

1 full-time trainer?

2 A Yes.

3 Q And were they part of the school budget?

4 A Yes.

5 Q Okay. What foreign languages do you offer?

6 A We offer Spanish. Spanish for native speakers.

7 And that's it.

8 Q Okay. How -- How is that funded?

9 A It's through the District.

10 Q Okay. And when you started did you have --

11 Did you offer any other foreign languages? That's to
12 say, when you started as principal.

13 A When I personally started, yes. There was only --

14 The other one was German.

15 Q And when you were a student --

16 A Hm hmm.

17 Q -- at Lakewood High School, as a Freshman, do

18 you remember whether they offered other --

19 MS. HOFF: Objection. This is going really

20 way --

21 MR. GROSSMAN: Yes, it is.

22 MS. HOFF: I mean, this is going way back --

23 THE WITNESS: I'm not that old. (Laughter)

24 THE COURT: No, she's not that old.

25 THE WITNESS: No, I am.

1 MS. HOFF: No, I mean, it's going back passed
2 the --

3 THE COURT: It's not really rel -- It's not
4 really relevant to what they have now.

5 MS. HOFF: -- time period.

6 MR. GROSSMAN: Your Honor, it shows that --

7 MS. HOFF: Not way back then. I meant no
8 offense.

9 THE WITNESS: It's easy.

10 MR. GROSSMAN: Your Honor, I think it's --
11 Actually, I think it would show a trend. But, could we
12 --

13 MR. LANG: --

14 BY MR. GROSSMAN:

15 Q When you were assistant principal, --

16 A Hm hmm.

17 Q what did they offer?

18 A Same. German and --

19 Q German and Italian?

20 A German and Spanish.

21 Q Spanish.

22 MR. LANG: (Whispering) Go back when she was
23 a guidance -- guidance counselor.

24 BY MR. GROSSMAN:

25 Q When you were a guidance -- District wide

1 guidance counselor, were there --

2 MR. LANG: (Whispering out of microphone
3 range.)

4 THE COURT: Mr. Lang, your voice is going to
5 get picked up. You really do have to control yourself.

6 MR. LANG: (Whispering) Guidance counselor.

7 BY MR. GROSSMAN:

8 Q Okay. When you were the guidance counselor,
9 were there any -- any additional languages?

10 A I know there used to be French. But I can't
11 recall what years that was. I apologize.

12 Q Okay. Do you know what percentage of your --
13 your graduates go onto 4 year colleges? Or, any -- any
14 -- Strike that. Do you know what percentage of your
15 graduates go onto post high school edu -- education?

16 A I'd say about 30 percent.

17 Q Okay. And of that 30 percent, how many go to
18 4 year schools?

19 A Maybe 10, 12 percent.

20 Q And the rest where -- where do they go?

21 A They either go into a post vocational program,
22 military, and a lot go into the workforce right out of
23 high school.

24 Q Okay. How many go to 2 year colleges?

25 A Out of the Senior class?

1 Q Yeah.

2 A I'd say maybe 40 percent, 50 percent.

3 Q Okay. Of the 30 percent.

4 A Of the --

5 Q Of the whole class?

6 A Of the whole class? Yeah, 40 -- 40 percent.

7 THE COURT: Forty percent go to a?

8 THE WITNESS: Two year.

9 THE COURT: Two year college. And 30 percent
10 go to?

11 THE WITNESS: No, a lot less go to a 4 year.
12 About 10.

13 THE COURT: Okay. So you're adding those 2
14 numbers together.

15 THE WITNESS: Right.

16 THE COURT: Okay. That's about half. Sound
17 right?

18 THE WITNESS: Half. About half of the senior
19 year go on to post secondary. You check the numbers on
20 the report just to make sure.

21 MS. HOFF: Okay. I'll get it.

22 MR. GROSSMAN: We should.

23 THE COURT: That's okay.

24 THE WITNESS: Okay.

25 MR. GROSSMAN: Okay. Well, Your Honor, I

1 would show Ms. Marshall what's been marked and given to
2 the State. It's got a marking of Plaintiff
3 Petitioner's Exhibit 38.

4 MR. LANG: She doesn't have it.

5 MR. GROSSMAN: And Your Honor doesn't have
6 it.

7 MR. LANG: --

8 THE COURT: P-38? What is it?

9 MR. GROSSMAN: It's out of order.

10 MR. LANG: I have one -- I have one for her,
11 Your Honor.

12 MS. HOFF: He just gave it to me.

13 MR. LANG: With the holes punched in it. --

14 THE COURT: All right. This is P-38.

15 MR. GROSSMAN: P-38 for identification.

16 BY MR. GROSSMAN:

17 Q Ms. Marshall, can you identify P-38? Oops.

18 Okay.

19 A The New Jersey School Performance Report.

20 Q Yes. Can you tell me what it is?

21 A It classifies data regarding all different things.
22 Test results, college and career readiness,
23 demographics.

24 Q Okay.

25 A Enrollment. It pretty much has everything.

1 Q Okay. This is -- This is for -- The one
2 that's been marked P-38 is for the 2016/2017 school
3 year. Correct?

4 A Correct.

5 (P-38 marked for
6 Identification)

7 Q Yeah. Is -- Is this the latest available?

8 A Yes.

9 Q Okay. When is it -- When did you -- When was
10 it created?

11 MS. HOFF: Objection. There's been no
12 foundation that she created the School --

13 THE COURT: Who created it?

14 MR. GROSSMAN: Well, we're getting there.

15 THE COURT: Why don't you ask her that?

16 BY MR. GROSSMAN:

17 Q Who -- Who created this?

18 A The State puts these out.

19 Q Okay. And do you know when -- Do you know
20 when?

21 A They usually come out in like October, November.

22 Q So for the current school year we'd have to
23 wait until --

24 A Right.

25 Q -- October, November, 2018?

1 A Because it has to capture any summer August grads
2 and that data, as well.

3 Q Okay. Do you -- Are you required to report
4 -- I'll withdraw that. Do you know -- Do you know
5 where the data from this document is derived?

6 A Which data? There's a lot. I mean, everything is
7 from reporting, whether it be district level or school
8 level. PARCC results. There's a lot of different
9 components of this report.

10 Q Okay. Would you -- There are Bates stamps on
11 this. And I'd ask you to turn to -- Wait, I lost my
12 place. Okay, 840 -- Page 846, please.

13 A Okay.

14 THE COURT: Well, what is that called? Given
15 that all my numbers have been punched through.

16 MR. GROSSMAN: Oh, it's --

17 MR. LANG: Oh boy.

18 MR. GROSSMAN: It's --

19 MS. HOFF: I don't have 846. I go from 843
20 to 847.

21 MR. GROSSMAN: Take mine.

22 MS. HOFF: That's okay, I don't need it.

23 MR. GROSSMAN: Hand me yours. Yours.

24 THE COURT: What is it called?

25 THE WITNESS: It's the post secondary

1 enrollment rates for the fall and 16 month.

2 THE COURT: All right. Is it pretty far
3 back? Or where?

4 MR. GROSSMAN: Pardon. It's 846.

5 THE COURT: No, that's not helping.

6 THE WITNESS: Yeah, it's more towards the
7 back.

8 THE COURT: Okay.

9 MR. LANG: Your Honor, I -- I --

10 THE WITNESS: I'd say maybe 20 pages or so
11 from the back.

12 THE COURT: Okay.

13 MR. GROSSMAN: Probably without -- without
14 the holes.

15 THE WITNESS: Maybe less, like 14 or 15.

16 THE COURT: Okay. Is it after the page on
17 graduation rates?

18 MR. GROSSMAN: Yes.

19 THE COURT: Okay.

20 MR. GROSSMAN: Thank you. Yes.

21 THE WITNESS: Yep.

22 THE COURT: Okay.

23 BY MR. GROSSMAN:

24 Q Okay. Well, would you take a look at the
25 post secondary enrollment rates for the fall? You

1 indicated that -- Well, okay. The tracking of the
2 class of 2016 shows that 16 months after they graduate,
3 there appears to me to be a different number for
4 enrollments. And I ask if you know why -- you know why
5 there's a difference?

6 A For the 16 month one?

7 Q Yeah. Hm hmm.

8 A Between this --

9 MS. HOFF: Objection. Difference between
10 what and what?

11 THE WITNESS: Yeah.

12 MR. GROSSMAN: Between the grad -- Between
13 the graduation and the grad -- The post enrollment at
14 graduation versus --

15 MR. LANG: --

16 MR. GROSSMAN: The post -- The --

17 MR. LANG: (Whispering out of microphone
18 range.)

19 MR. GROSSMAN: The fall enrollment --

20 THE WITNESS: Hm hmm.

21 MR. GROSSMAN: -- and 16 months after
22 graduation seems --

23 THE WITNESS: You know, it's -- I'll be
24 honest, it's hard to track kids. But a lot don't -- A
25 lot of them, just from personally speaking to them,

1 they may not be able to afford to maintain where --
2 wherever they are, whether it be a 2 year or a 4 year.
3 And a lot of them decide they're going to wait and go
4 -- You know, and they need to go back into the
5 workforce.

6 MS. HOFF: Objection. Just to clarify for
7 the record. Was that speculation or was that she knows
8 that's why there are differences?

9 THE WITNESS: Personally. --

10 MR. GROSSMAN: She knows why there are
11 differences --

12 THE COURT: That's what I understood.

13 MR. GROSSMAN: -- based on her experience
14 with students.

15 MS. HOFF: Okay. I just wanted to clarify.

16 THE COURT: That's fine.

17 MS. HOFF: Thank you.

18 BY MR. GROSSMAN:

19 Q Okay. I think the next page -- the next page
20 is -- If you turn it over. It's on -- For
21 identification purposes, Your Honor, we'll give you a
22 copy with the Bates stamp numbers. 847 is Absenteeism.

23 A Hm hmm.

24 Q That indicated -- Okay. Those numbers
25 indicate targets that were or were not met. Who -- Who

1 or what entity, if you know, sets the targets?

2 A The State.

3 MR. LANG: Ask her --

4 BY MR. GROSSMAN:

5 Q And if we go on to -- Okay. If you go -- I
6 think it's 2 more pages beyond that, 3 may -- 3
7 perhaps. There are 2 block -- graphs that I'm not
8 interested in. It's School Day.

9 A Hm hmm.

10 Q That indicates a start time of 7:15. Is that
11 correct?

12 A That was a prior start time for 16/17. Yes.

13 Q Okay. So you had to move it back this year.

14 A Yes.

15 Q Okay. Now, that indicates, among other
16 things, shared instructional time out of the school
17 day. What does that mean?

18 A That's students that go to the vocational school.
19 It's called Shared Time. They do half their day at
20 Lakewood High School and half their day in a vocational
21 school.

22 Q And how many kids go to the vocational
23 school?

24 A We have about -- Out of our -- It's only for
25 Juniors and Seniors. About 100, 120 at the most.

1 Q So that's out of 6 Hun -- And the
2 Junior/Senior population is?

3 A About -- I'd say closer to 500.

4 Q And where do they -- How many days a week do
5 they go to the vocational school?

6 A Every day.

7 Q How do they get there?

8 A Busing.

9 Q And does the vocational school, is there a
10 charge to Lakewood?

11 A I believe so.

12 Q And is that paid for out of the school
13 budget?

14 A District budget.

15 Q District budget.

16 A Hm hmm.

17 Q On this same page. Last year there were a
18 number of incidents of violence according to this
19 report. Can you des -- Do you know what those
20 incidents were?

21 A Yeah. Most of that -- The violence could be a
22 fight. Most of them are fights. Since the other areas
23 are very specific; weapons, substance abuse, HIB. So
24 violence would be on school ground fights.

25 Q Okay. How many teach -- Do you know what the

1 faculty, the total number of teachers there are at the
2 high school?

3 A 84.

4 Q And is that -- How many were there last year,
5 last school year?

6 A 84.

7 Q Okay. Has that number remained --

8 A Yeah.

9 Q -- fairly consistent.

10 A Yes.

11 Q Now, how many of those teachers have tenure,
12 if you know?

13 A I don't know off the top of my head. I would say,
14 based on the number of non-tenure, which I know is
15 around 40. So, probably the other 40 are tenured.

16 Q Okay. And how many --

17 A Maybe a little less are non-tenured, 35.

18 Q How many first year teachers do you have?

19 A This year I have 9.

20 Q And second year teachers?

21 A About 10.

22 Q Third year teachers?

23 A I'd say about 15, 20.

24 Q And fourth year teachers.

25 A That would be in the tenured track.

1 Q That would be the tenured track.

2 A Hm hmm.

3 Q Okay. Do you have -- Okay. Do you know how
4 many teachers leave every year?

5 MS. HOFF: Objection. Can we narrow it down
6 to specific years?

7 BY MR. GROSSMAN:

8 Q I'm sorry. How many -- Do you know how many
9 teachers lost -- left last as -- left prior to the
10 commencement of this academic year?

11 THE COURT: From the high school.

12 MR. GROSSMAN: From the high school.

13 THE WITNESS: Yeah, from the high school; 14.

14 THE COURT: They were non-tenured.

15 THE WITNESS: Not all. I had some that were
16 tenured that left.

17 BY MR. GROSSMAN:

18 Q And why did they leave? If you know.

19 A I know they left for stability and better pay.

20 Q All of them.

21 A Yeah.

22 MR. LANG: --

23 BY MR. GROSSMAN:

24 Q Do you know -- Okay. How -- Do you know how
25 well Lakewood pays, relative to other high schools?

1 A To other high schools or districts? --

2 Q Other districts.

3 A We're one of the lower paid districts in Ocean
4 County. I know that. Monmouth County, overall, pays a
5 lot higher than ocean County. We're, if not the
6 lowest, one of the lowest.

7 Q Does teacher retent -- Is teacher retention a
8 problem?

9 A Yes.

10 Q Why?

11 A I can only go by what their resignation letters
12 say. And they basically all say that they love
13 teaching in Lakewood, but they need to feel a stable
14 career. They're very -- Some of them are very young
15 and they, you know, have families. And they can't risk
16 not knowing if they're having a job every June -- May,
17 June.

18 Q And does this present any problems for you,
19 as principal?

20 A Of course.

21 Q How? Or what?

22 A Where do I begin? I spend my whole summer
23 interviewing and trying to find experienced teachers.
24 But realistically, experienced teachers are not coming.
25 So I end up hiring brand new, which is okay, you could

1 find some really good people. But it starts a whole
2 process of having to train them and, you know, hoping
3 that they stay. Because a lot of our teachers that we
4 put a lot of time and training into, they leave after a
5 year or two.

6 Q And how's that -- From -- As principal, how
7 do you perceive that as affecting your student
8 population?

9 A It -- It negatively impacts them. Our students
10 need consistency. Our students need to know that
11 relationships that they've created during the school
12 year will be there when they get back in September.
13 And it's -- it's very difficult for them when teachers
14 that they've known and worked with are not there
15 anymore.

16 Q Okay. Is -- Does this stability have a
17 significant im -- Based on your perception of your stu
18 -- of the student population, does the stability
19 provided by a stable teacher popula -- population
20 impact on the -- on the students?

21 A Yes. They need stab -- stability. They need
22 consistency in all areas. Not just for emotional and
23 social support, but instructionally I need teachers
24 that are consistently there and know the curriculum and
25 know everything, and can just start Day 1 with

1 teaching.

2 Q How important is the athletic program to your
3 students?

4 A Very --

5 Q If -- If you know.

6 A Very important.

7 Q Okay. Why?

8 A One, it provides them a safe place to go everyday
9 after school, and not get involved into -- in things
10 that they shouldn't be, in the neighborhoods, when they
11 have nothing to do. They get out very early. They get
12 out at 1:30. So it keeps them participating and
13 actively involved in a positive environment, from let's
14 say 1:30 until 6 o'clock. Sometimes later if they have
15 games or competitions. It also provides them a sense
16 of family. They're -- They're, you know, with a group
17 of kids and coaches.

18 Q How many curriculum supervisors are there at
19 the high school?

20 A District wide?

21 Q I'm sorry. District wide. Yeah.

22 A I believe 4.

23 Q Okay. And when you started, how many were
24 there? As prin -- Well, when you start --

25 MR. LANG: --

1 BY MR. GROSSMAN:

2 Q Who -- What -- What are the -- I'm sorry.

3 MR. LANG: --

4 BY MR. GROSSMAN:

5 Q Okay, what are the 4 supervisors supervising?

6 A We have a STEM supervisor, which covers Science,
7 Math, Technology and Engineering. We have a English
8 Language Arts and Social Studies supervisor. That's
9 the second. The third would be ELL/ESL World Languages
10 and Guidance supervisor. And we have a Special
11 Education supervisor.

12 Q And when you started at the high school, were
13 there more supervisors?

14 A There were more broken down by content. Yes.

15 MR. LANG: --

16 BY MR. GROSSMAN:

17 Q What does that mean?

18 A That means we had a supervisor for Language Arts.
19 And we had a separate supervisor for Social Studies.
20 And another supervisor for maybe Visual Art and
21 Performing Arts. We had a Science supervisor. We had
22 a Math supervisor. It was very content specific.

23 Q Was that -- Did -- Based on your -- Based on
24 your experience at the high school, was it -- was that
25 a better environment?

1 A It --

2 Q Strike that. I'll re-ask it. Can you
3 describe the impact on the environment at the high
4 school as a result -- the educational environment, as a
5 result of the loss of those district wide supervisors?

6 A I can only give an example, personal example. The
7 high school, we have myself and 3 administrators.

8 We're not really content specialists. Let's say, I
9 don't have a secondary degree in Math. So it's very
10 difficult for me to -- I can observe Math and I know
11 good instruction when I see it, but when we get into
12 the content of higher level Math, like Calculus and,
13 you know, higher level Sciences, like Chemistry and
14 Physics, I'm not content certified in those subject
15 areas. So it's very difficult for me to give teacher
16 feedback on the content, rather than the instruction.
17 I know good instruction, whether it be Physics or Phys
18 Ed. Content supervisors are able to provide,
19 especially for the secondary level, more content
20 specific feedback, which improves their instruction.

21 Q Okay. When you went to the District, which
22 was how long -- How long now?

23 A 1996.

24 Q Okay. If we go to say, 2007.

25 A Okay.

1 Q 10 years ago.

2 A Okay.

3 Q How many supe -- assistant superintendents
4 were there?

5 A I believe 1 or 2, at that time. The exact year,
6 I'm not sure. But --

7 MR. LANG: --

8 BY MR. GROSSMAN:

9 Q How many are there now?

10 A Zero.

11 Q What impact does that have on the high
12 school, if any?

13 A What I recall from an assistant superintendent
14 that I worked under, they focused a lot on the
15 curriculum and instruction. So that was another person
16 who was able to provide more instruction and more
17 content specific feedback in secondary areas. And then
18 that would trickle down to the supervisors and then to
19 the building administrators.

20 Q Okay. Do you have any -- I believe that you
21 indicated that there were a number of students who were
22 effectively uneducated when they entered the high
23 school. Is that an accurate statement?

24 A Uneducated to a certain level.

25 MS. HOFF: Objection. Objection.

1 Uneducated? There's been no foundation that -- what
2 uneducated means or where we're going with that?

3 THE COURT: I think she said some students
4 come to the school older and they don't speak English
5 as a first language. But it doesn't necessarily mean
6 they're uneducated.

7 MR. GROSSMAN: Well, she --

8 THE COURT: It just means that they're
9 English language proficiency may not be there.

10 MR. GROSSMAN: No, we're not putting words in
11 her mouth. She also said they hadn't been to school
12 since they had left their home countries.

13 THE COURT: Right. But that doesn't mean
14 they left their home countries at 7.

15 MS. HOFF: Right.

16 MR. GROSSMAN: Well, I'm going to get there.

17 THE COURT: Oh, maybe you can lay a
18 foundation.

19 BY MR. GROSSMAN:

20 Q Okay. All right. Do you have a number of --

21 THE COURT: I mean, is this a great
22 percentage of the students?

23 MR. GROSSMAN: Yeah, well that's -- Yeah.
24 Well, how many -- What percentage of your students are
25 non -- come from families where English is not the

1 first language?

2 THE WITNESS: That's a large -- Percentage of
3 families?

4 BY MR. GROSSMAN:

5 Q Yes.

6 A About 75 percent come from non-English speaking
7 families.

8 Q And how -- What percentage of your students
9 have -- or either not -- are not English speakers or
10 poor English speakers?

11 A About -- It's less than 15 percent.

12 Q Do you have any bilingual -- And I assume,
13 based on the stats, that -- that they're Spanish
14 speakers. Is that accurate?

15 A The kids.

16 Q Yeah.

17 A Yes.

18 Q Okay. Do you have any bilingual content
19 teachers?

20 A The only bilingual teacher I have is the RESL
21 teacher. One of them speaks fluent Spanish.

22 Q Okay.

23 A And we also have a new comer program. That's for
24 those students I mentioned before, that are over age
25 but limited education based on the last time they

1 attended school in their native country. And those
2 students are with a bilingual teacher.

3 Q Okay.

4 A Not a content specialist, but a bilingual teacher.

5 Q And how -- how many -- how many students?

6 A In that program, we're up to about 20.

7 Q Okay. And is that funded by District funds?

8 A Yes.

9 Q Okay. Do you have any staff members -- Well,
10 let me ask you this. Are there remediation and
11 intervention specialists in -- in the educational
12 system, in general?

13 A In any educational?

14 Q Yeah.

15 A Yes.

16 Q And what -- And what do we mean by,
17 "remediation and intervention specialists?"

18 A So every district may use them different, but I
19 believe what you're asking is that these are for
20 students who are identified below level. And they
21 receive additional support from a separate teacher.

22 Q Okay. And do you have a program for that --

23 A No --

24 Q -- at the high school?

25 A No, we do not.

1 Q And do you think you need -- Do --

2 A We -- We do have -- I just want to clarify. Just
3 so -- We do have a separate course for kids who are
4 identified low in Math, when they come over. But it's
5 just for 9th grade. And our regular Math teachers
6 teach it.

7 Q Do you need -- Do you need remediation and
8 intervention specialists?

9 A I would love them. Sure. Any -- You know, any
10 school that has struggling students would love another
11 teacher.

12 Q Okay. So. Do -- Would you characterize
13 Lakewood High School as struggling?

14 A Yes.

15 Q Why?

16 A A lot of the reasons we spoke of. Our attendance
17 rates. Our -- Our language barriers. Our -- you know,
18 our test scores show that we just -- We're -- We're
19 struggling.

20 MR. LANG: --

21 MR. GROSSMAN: Okay. Your Honor, if we may
22 have a moment, I may be done with the witness.

23 THE COURT: Yes, okay.

24 BY MR. GROSSMAN:

25 Q Do you have special education teachers

1 available?

2 A Yes.

3 Q How many?

4 A We have about, I'd say, 12, 13.

5 Q And are -- Do -- And what do they -- What --
6 How many children are -- or how many students are
7 taught by these teachers?

8 A Approximately 80, 85.

9 Q And what -- what are their qualifications for
10 special ed?

11 A They're -- The teachers or the kids?

12 Q The kids.

13 A It depends on what their IEPs have them classified
14 as.

15 Q Okay. And --

16 MR. LANG: --

17 BY MR. GROSSMAN:

18 Q Okay. Are you familiar with the in-class
19 support concept?

20 A Yes.

21 Q And what is that?

22 A That's where a student is placed in a general ed
23 classroom, but they're provided a second additional
24 teacher with a special ed certification.

25 Q And what's RPO stand for?

1 A That's resource pullout. And that's for students
2 who are identified for a little bit more -- their
3 little bit more extreme need. So they're in a smaller
4 setting with 1 certified special ed teacher who's also
5 content certified.

6 Q And you have no -- And do you currently have
7 teachers in all your subjects, for RPO and ICS?

8 A No, we do not.

9 Q What are you missing? Or what do you have
10 and what are you missing?

11 A So, it goes by the IEPs. But we -- we have
12 resource pullout for Math, Language Arts at every grade
13 level. We then have resource pullout for Science and
14 Social Studies at 9th and 10th grade only. And we have
15 in-class support for Math and Language Arts at every
16 grade level. And we have in-class support for Science
17 and Social Studies just at the 9th grade level.

18 Q Okay. And therefore, what do you need?

19 MS. HOFF: Objection, that's a vague, broad
20 question.

21 THE COURT: I think he means --

22 MR. GROSSMAN: Well, with regard to what --

23 THE COURT: Right. Hm hhm.

24 MR. GROSSMAN: -- the subject matter that she
25 just covered, which is the RPO and ICS.

1 THE WITNESS: Should I answer?

2 THE COURT: Yes, you can answer.

3 THE WITNESS: Okay, okay. So if it's -- This
4 is my feeling, but this is also from the IEP. If a
5 student needs special education services in Language
6 Arts, how could they not need them in Social Studies.
7 That's -- That's my concern as a principal. I've
8 brought that up many years in a row. Social Studies
9 and Science are very heavy on reading, and they need to
10 read. So if they're classified and need support in
11 Language Arts, they -- I would say need it for Science
12 and Social Studies. And so do the teachers, the
13 content teachers that are not special ed certified that
14 are working with these kids. They -- They're
15 struggling.

16 MR. LANG: --

17 BY MR. GROSSMAN:

18 Q Do you know why -- Do you know why you don't
19 have them?

20 A I believe funding.

21 MR. LANG: --

22 MR. GROSSMAN: Your Honor, I have no further
23 questions.

24 THE COURT: All right. Thank you.

25 MS. HOFF: Okay.

1 THE COURT: Ms. Hoff.

2 CROSS EXAMINATION BY MS. HOFF:

3 Q Yes, thank you. So you stated that many of
4 your students work in the afternoon. Is that correct?

5 A They work in the afternoon. Yes. And --

6 Q And other school districts have --

7 MR. GROSSMAN: Objection Your Honor, now
8 she's talking about other schools.

9 THE COURT: She didn't finish the question.

10 MR. GROSSMAN: Oh, I'm sorry.

11 BY MS. HOFF:

12 Q And you're aware that other high school
13 students may work in the afternoons?

14 A Yes.

15 MR. GROSSMAN: Your Honor, I object. Because
16 we've been limiting this to the Lakewood Schools.

17 THE COURT: We have.

18 MS. HOFF: Hm hmm.

19 THE COURT: We have.

20 BY MS. HOFF:

21 Q And so -- So, your -- Lakewood High School's
22 start time is completely unique among the State? I
23 mean, if we're talking about its being early, we have
24 to compare it. It's completely unique amongst the
25 State?

1 A I believe it's maybe 10 minutes, 15 minutes
2 earlier from just what I know in the close proximity.

3 Q But you don't dispute that other school
4 districts start in the same time period.

5 A I don't think so -- I don't know every school
6 district's start time.

7 Q And you stated that Lakewood High School is a
8 struggling school. Is that correct?

9 A Yes.

10 Q But there has been growth in your scores
11 consistent -- your PARCC assessment scores
12 consistently. Is that correct?

13 A Minimal and 11th grade Language Arts.

14 Q Okay. And to the point though that your
15 School District has applied for an equivalency laver to
16 be measured by growth in it's next improvement plan
17 review. Is that correct?

18 A Ye -- Well, I can only speak of the high school.

19 Q Okay.

20 A So our target was based -- based on just
21 graduation rate, really.

22 Q Sure.

23 A That's why we were identified as a priority
24 school.

25 Q Right. So there's -- Are you also -- You're

1 also familiar with the S Accountability standards.

2 Correct?

3 A Yes.

4 Q And other than chronic absenteeism, your
5 school has meet those targets. Has it not?

6 A Yes, according --

7 Q Set by the State?

8 A Yes.

9 Q And so Lakewood High School is not a school
10 in need of comprehensive support according to the S
11 Accountability standards. Correct?

12 A I -- As of right now I only know we're still in
13 status. I haven't heard otherwise. I work closely
14 with the NJ DOE.

15 Q But you did meet the S Accountability
16 targets.

17 A Yes.

18 Q Correct?

19 A Hm hmm.

20 Q Okay. And you stated that you had special --
21 you had 12 or 14 special ed teachers. Is that correct?

22 A Yes.

23 Q And for 80 students that are required?

24 A 80 to 100, about there. I don't know if exact --

25 Q So that's -- Okay. So that's approximately 7

1 students per teacher?

2 A It depends what program they're in.

3 Q Correct. All right. Just mathematically.

4 In terms of teacher retention. You stated that you had
5 84 teachers last year.

6 A Yes.

7 Q And you have 84 teachers this year?

8 A Yes.

9 Q So approximately, you stated, 14 had left.

10 Is that correct?

11 A Hm hmm.

12 Q So 70 stayed.

13 A Correct.

14 Q Okay. And every teacher by -- hired by
15 Lakewood High School has to be certified by the New
16 Jersey Department of Education. Correct?

17 A Correct.

18 Q And every teacher new to the District has
19 been determined by the Department of Education to be
20 qualified to enter the classroom. Correct?

21 A Correct.

22 Q And a teacher new to Lakewood could have had
23 prior experiences in a different school district. Is
24 that correct?

25 A They could have. Yes.

1 Q Okay. And so -- And the average new hire is
2 about between 4 and 5 years in Lakewood School
3 District. Is that correct?

4 A Mmm.

5 MR. GROSSMAN: I don't understand.

6 THE WITNESS: No, I don't --

7 BY MS. HOFF:

8 Q Has 4 to 5 years of prior experience?

9 A No. Not -- Not in my situation in the high
10 school. No.

11 Q So you dispute your superintendent's claim
12 that the new hire --

13 MR. GROSSMAN: Objection, Your Honor.

14 THE WITNESS: I don't know the District da --

15 MS. HOFF: Okay.

16 THE WITNESS: I just know in the high school
17 this year --

18 THE COURT: Go ahead.

19 MS. HOFF: Okay.

20 THE WITNESS: -- most of my new hires are
21 first year right out of college.

22 BY MS. HOFF:

23 Q All right. So, just -- Pardon me. So, just
24 because a teacher doesn't have prior experience does
25 not mean that a teacher is ineffective. Is that

1 correct?

2 A I don't know that yet until they start teaching.

3 But, yeah, I mean --

4 Q But that doesn't --

5 A -- when they come in --

6 Q I mean, one does not necessarily logically
7 follow the other; new teacher equals ineffective
8 teacher. Correct?

9 A We would hope not.

10 Q I would hope.

11 A We don't know until they get in the classroom. An
12 interview is very different than being in --

13 Q Right.

14 A They -- They have the knowledge and they have the
15 certification.

16 Q Right.

17 A But --

18 Q You're part of the interview committee that
19 --

20 MR. GROSSMAN: Excuse me. She didn't finish
21 her answer, I thought.

22 THE COURT: I think she did. I thought she
23 did.

24 MS. HOFF: I thought she had.

25 MR. GROSSMAN: Oh, I'm sorry.

1 THE WITNESS: Yeah, I did.

2 BY MS. HOFF:

3 Q You're part of the interview committee that
4 occasionally hires new teachers at the high school?

5 A I'm on every --

6 Q Okay.

7 A Yes, a teacher doesn't get hired without me
8 interviewing them.

9 Q Okay. And you're aware of the teacher
10 evaluation system established pursuant to TeachNJ?

11 A Yes.

12 Q And which requires school districts to rate
13 teachers every school year as ineffective, partially
14 effective, --

15 A Right.

16 Q -- effective or highly effective?

17 A Yes.

18 Q It's a mouthful. And Lakewood does comply
19 with that requirement?

20 A Yes.

21 Q And you're involved with those evaluations?

22 A Yes, I am.

23 Q And you're aware that in 2015/2016 school
24 year Lakewood rated only 2 out of 396 teachers as
25 ineffective?

1 MR. GROSSMAN: Objection, Your Honor. The --
2 You know what, I'll withdraw the objection.

3 THE COURT: All right. Thank you.

4 THE WITNESS: I was not aware of that number.
5 Is that -- That obviously, with the 300, is the whole
6 district?

7 MS. HOFF: Hm hmm.

8 THE WITNESS: Yeah, I was not aware.

9 BY MS. HOFF:

10 Q Okay. And you have nothing to dispute that
11 in 2014/2015 Lakewood only rated 2 out of 304 teachers
12 as ineffective.

13 A I wasn't aware of that.

14 Q Okay. So, let me go through here. So, in
15 terms of going into classrooms and so forth. As your
16 experience as a principal, you don't have Math
17 certification. Is that correct?

18 A Correct.

19 Q And Math certification is not required to be
20 a principal in New Jersey. Is that correct?

21 A Correct.

22 Q So from that, it would be logical to deduce
23 that not every principal in New Jersey has Math
24 certification. Is that correct?

25 A Correct.

1 Q Not every principal in New Jersey then has
2 Science certification. Is that correct?

3 A Correct.

4 Q Or Chemistry, and breaking it down into
5 various areas. So not every principal has a content
6 specialist when they're going into observe their
7 teachers. Is that correct?

8 A I can't speak for other districts. We don't. We
9 don't have a content specialist with us when we do
10 observations for every observation.

11 Q Right. And you can't dispute that other
12 districts don't have a STEM supervisor that's not
13 parsed out into Science or Math. Correct?

14 MR. GROSSMAN: Your Honor, asked and
15 answered, I think. She said she doesn't know the
16 experience of other districts.

17 MS. HOFF: She --

18 THE COURT: I didn't -- I don't think --

19 MS. HOFF: She said about principals.

20 THE COURT: Yes.

21 THE WITNESS: I --

22 MR. GROSSMAN: Oh, I'm sorry.

23 THE WITNESS: I don't know if -- I do know
24 just from my meetings with Ocean County principals --

25 MS. HOFF: Hm hmm.

1 THE WITNESS: -- that a lot of the district
2 supervisors do the actual evaluations in the high
3 schools. We don't have that. They do one --

4 MS. HOFF: Hm hmm.

5 THE WITNESS: -- like a Math and a Science,
6 but I just know that from our collaboration.

7 BY MS. HOFF:

8 Q But your supervisor, your STEM supervisor,
9 does go into the classrooms. Correct?

10 A She does walkthroughs. And she'll do one
11 observation for our non-tenure Math teachers.

12 Q Hmm.

13 A That's it.

14 Q And you have an ELA supervisor that goes
15 through the classroom.

16 A One observation --

17 Q Hm hmm.

18 A -- for a non-tenure. Yes.

19 Q All right. And you did mention, you
20 testified earlier about vocational programs in-house.

21 A Hm hmm.

22 Q Correct?

23 A Yes.

24 Q So in fact the Career and Technical
25 Education, you have certified programs in Graphic

1 Design?

2 A Graphic Arts, Fashion --

3 Q Fashion and Apparel Design? Photograph --
4 Photography and Film?

5 A Yes.

6 Q You have a Business Office Automation
7 program. You have an Army ROTC program.

8 A Yes.

9 Q And these Perkin Grants that you get to
10 fulfill these career and technical education, other
11 districts get these grants as well. Correct?

12 A Yes.

13 Q Even -- You have nothing to dispute that.
14 Haddonfield Township gets --

15 MR. GROSSMAN: Objection.

16 MR. LANG: What did she say?

17 THE COURT: It was a --

18 MS. HOFF: I said, you have nothing to
19 dispute --

20 MR. GROSSMAN: Oh, I'm sorry.

21 MS. HOFF: -- that Haddonfield Township gets
22 a Perkins Grant because --

23 MR. GROSSMAN: Objection.

24 MS. HOFF: I said you have nothing to dispute
25 it.

1 MR. GROSSMAN: Your Honor, she's got --

2 THE COURT: Well, how much do you know
3 offhand.

4 MR. GROSSMAN: How would she know?

5 MS. HOFF: All right. But other school
6 districts do get these grants. Correct?

7 THE WITNESS: I know some do, yes.

8 BY MS. HOFF:

9 Q All right. And those programs are in
10 addition to the programs available at the Ocean County
11 Votech School. Correct?

12 A Yes.

13 Q And you had stated that you needed more in-
14 house programs. Correct?

15 A Yes.

16 Q And you're familiar with other O -- with the
17 Ocean County School Districts and so forth, as
18 principal?

19 A Familiar with --

20 Q Hm hmm.

21 A -- the other Ocean County School Districts.

22 Q Hm hmm.

23 A High schools mostly. Yes.

24 Q Right. High schools.

25 A Hm hmm.

1 Q And so you have nothing to dispute that only
2 Jackson Township has in-house certified programs?

3 A I know Tom's River is about to open Career
4 Academies in September, as well.

5 Q Okay. But basically, the other Ocean County
6 high schools use the Ocean County Votech School, as
7 well as yours.

8 A They all use it in addition. Hm hmm.

9 Q Right. And your high school actually has a
10 Art instructional area in the building?

11 A We have two classrooms designated as Art
12 classrooms. Yes.

13 Q And you have new Culinary classrooms?

14 A Yes.

15 Q And you have a TV Production studio?

16 A Yes.

17 Q And you have full Mac Labs?

18 A Yes.

19 Q And you have a Media Center?

20 A Yes.

21 Q And you have a Recording Arts studio?

22 A Yes.

23 Q And you have a Digital Photography studio?

24 A Yes.

25 Q And in going back to this in-class support

1 RPO. You do have in-class support for Math throughout
2 all grades at the high school. Is that correct?

3 A Yes. All subjects.

4 Q And -- Right.

5 A Hm hmm.

6 Q And you do have Art -- resource Math pullout
7 throughout the high school.

8 A Yes.

9 Q And you do have in-class support amongst all
10 grades for English Language Arts throughout the high
11 school.

12 A Yes.

13 Q And you do have RPO resource pullout for ELA
14 at all grades through the high school.

15 A Yes.

16 Q And you have nothing to dispute that other
17 high schools in Ocean County, which you stated you are
18 familiar with, don't have all of the support at every
19 grade level for Science and Social Studies.

20 A They have it.

21 Q You think --

22 A Most -- A lot of them do. I know Jackson. I know
23 Tom's River.

24 Q Hm hmm.

25 A I'm not sure about Brick. Jackson has it for

1 content area, as well. They have Chemistry in-class
2 support.

3 Q You --

4 A Whatever the content area, they have it. Hm hmm.

5 Q And you have Science support in 9th grade?

6 A 9th grade only. Yes.

7 Q And you have Social Studies support in 8th
8 grade -- I mean, 9th grade. Sorry.

9 A Yes.

10 Q You can't testify to the middle school. And
11 you have -- There are graduation requirements.

12 Correct?

13 A Correct.

14 Q And Lakewood meets all of these graduation
15 requirements? You have multiple offerings in English,
16 20 credits. Yes?

17 A Yes. Sorry.

18 Q And you offer all of the necessary 15 credits
19 in Math?

20 A Yes.

21 Q Including Algebra 1?

22 A Yes.

23 Q And Geometry?

24 A Yes.

25 Q And you have Algebra 2 available?

1 A Yes.

2 Q And Trigonometry available?

3 A Yes.

4 Q And Precalculus available?

5 A Yes.

6 Q And Calculus AB, advanced placement,
7 available?

8 A Yes.

9 Q And you have 15 credits in Science available
10 to you -- your students?

11 A Yes.

12 Q And this is including Chemistry?

13 A Yes.

14 Q And you have Physics available?

15 A Yes.

16 Q Including AP Physics 1 and AP Physics 2?

17 A Yes.

18 Q And you have Social Studies available. The
19 15 credits required for graduation?

20 A Yes.

21 Q And this includes two years of US History?

22 A Yes.

23 Q And you have a World His -- You have World
24 History offerings?

25 A American History. Yes.

1 Q You have World -- World His --

2 A World and American. Hm hmm.

3 Q World Event. And you have AP United States
4 History available to your students?

5 A Yes.

6 Q And then you also have available to your
7 students, offerings in Financial Economic Business and
8 Entrepreneurial Literacy, as required by the grad
9 requirements?

10 A Yes.

11 Q And you do have Spanish classes available?

12 A Yes.

13 Q And you do have online Language classes
14 available?

15 A Yes.

16 Q Right. You -- In terms of your other AP
17 offerings, you have AP English Language and Composition
18 available?

19 A Yes.

20 Q And you have AP English Literature and
21 Composition available?

22 A Yes.

23 Q And also you have an AP Spanish class
24 available.

25 A Yes.

1 Q And you have the new Careers Academies
2 program. Is that not correct?

3 A And that is a program that divides your students
4 into cohorts of students based on interests.

5 A Yes.

6 Q And that is supposed to -- That's an
7 innovative program supposed to keep children more
8 interested in attending school. Is that correct?

9 A Yes.

10 Q And that is divided into smaller groups in a
11 STEM program. Is that correct?

12 A Yes. Some students choose that pathway.

13 Q Right.

14 A Hm hmm.

15 Q And some students choose the Business
16 program? Is that correct?

17 A Yes.

18 Q And some students choose the Humanities
19 program.

20 A Yes.

21 Q And some students choose the Digital Media
22 program?

23 A No. We -- We actually made it just two pathways

24 --

25 Q Okay.

1 A -- to start.

2 Q All right.

3 A So, I'm sorry. I was getting ahead of myself. We
4 have our STEM --

5 Q Hm hmm.

6 A -- and Business. That's it.

7 Q And --

8 A Right now.

9 Q -- just some random other courses that you --
10 You have an Oceans 1 and 2 program, foc -- focusing on
11 Marine -- Marine studies. Is that correct?

12 A Yes.

13 Q And you also have a strong Horticulture
14 program. Is that correct?

15 A Yes.

16 Q And you actually have a newly installed
17 greenhouse.

18 A Yes.

19 Q And you have Entrepreneurship classes.
20 Correct?

21 A Yes.

22 Q And you have a class entitled Music in Film?

23 A Yes.

24 Q And you have performance ensembles.

25 Correct?

1 A Musicals?

2 Q In your -- Musical performance --

3 A Outside of the school day? Yes.

4 Q Yes. So in addition to your athletics
5 department, children have the opportunity to
6 participate in Music.

7 A Yes.

8 Q You have Band.

9 A Yes.

10 Q Symphonic Band.

11 A Yes.

12 Q You have Introduction to Rock Band
13 Instruments.

14 A Yes.

15 Q You have Concert Choir. Is that correct?

16 A Yes.

17 Q You have Orchestra. Correct?

18 A Yes.

19 Q And you have Band and Orchestra at Honors
20 Levels classes offerings, as well.

21 A Yes.

22 Q Okay. And you stated that about 75 percent
23 of your students come from Hispanic homes. Is that
24 correct?

25 A Yes.

1 Q And that Spanish is the primary language in
2 about half of these homes?

3 A Almost all.

4 Q Okay.

5 A For the families. Yes.

6 Q But this does not necessarily mean that the
7 students don't speak English. Is that correct?

8 A Correct.

9 MS. HOFF: No further questions.

10 MR. LANG: Ask her --

11 THE COURT: Is there just one high school
12 building?

13 THE WITNESS: Yes.

14 THE COURT: How old is it?

15 THE WITNESS: Well, my parents graduated from
16 there. So I'd say it's got to be -- The middle school
17 used to be the high school. And then they built the --
18 the current Lakewood High School, I believe in like the
19 70's. Because my parents graduated from the middle
20 school now.

21 THE COURT: Okay. Thank you.

22 THE WITNESS: You're welcome.

23 THE COURT: Any redirect?

24 REDIRECT EXAMINATION BY MR. GROSSMAN:

25 Q Yes. How many children participate in the --

1 Children. How many students -- I mean, these are
2 teenagers.

3 A Hm hmm.

4 Q How many participate in the programs?

5 A Which ones? Like --

6 Q Tell me.

7 A So, AP Physics 1 and 2, we have a larger amount in
8 1, I believe. We have 25, 30 students, and about 9 or
9 10 in the other level. AP History, about 15 to 20. AP
10 English is the -- at the Junior level, that's the
11 Language and Composition, we have about 30. And the
12 Seniors are a little bit higher, about 50. AP Calc is
13 small. We have maybe 11 kids, I believe.

14 Q Okay.

15 A AP Spanish. Did I say that one?

16 Q Yes. I think you did.

17 THE COURT: Not yet. Not yet. She didn't.

18 THE WITNESS: No, I didn't say AP Spanish.

19 BY MR. GROSSMAN:

20 Q Oh, okay. I thought you did.

21 A About 10, 12 kids.

22 Q Okay. Now, based -- How many -- How many of
23 your students pass the APs? Or get 3, 4 or 5?

24 A We had one student get a 4 on the AP Calculus last
25 year.

1 Q Yeah.

2 A To my knowledge. Other than that, 3's and below.

3 Q Okay. How many 3s?

4 A I don't know exactly offhand, but not many. And I
5 know none in AP Physics. All of our kids in AP Physics
6 got 1s. I think one got a 2.

7 Q Okay. And do you know what the require --
8 What colleges require? What grade colleges generally
9 require for AP credit?

10 A 4 or 5.

11 Q Okay. So, just to summarize. One of your AP
12 students successfully passed the AP exams.

13 A Yeah. And I believe we did have somebody get a 4
14 or a 5 in AP Spanish. But this -- that teacher's no
15 longer with us.

16 Q Oh. And now. How many students participate
17 in the remote -- I call it remote. -- the digit -- the
18 online foreign language courses?

19 A This year we don't have any.

20 Q Oh. Do you have the equipment?

21 A It's an online program. We purchase the licenses.

22 Q Oh.

23 A So yes, we have it.

24 Q Okay. Who paid for that?

25 A The District paid for that.

1 Q Okay. And the District pays for the Choir?

2 A Yes. The Choir, yes.

3 Q And the Concert and the -- The Music
4 programs.

5 A Yes.

6 Q You said you have 2 Art classrooms.

7 A Hm hmm.

8 Q Are they ac -- in use for Art?

9 A Yes.

10 Q And when you say Art, what do we mean?

11 A Our Basic Foundations of Art class, that most
12 students take as a requirement. Mostly Freshman and
13 Sophomores. And then we have a Drawing and Painting
14 class. And a Commercial Art for third level and fourth
15 level. They use those classrooms, as well.

16 Q Okay. And how many students are involved in
17 those programs, if you know?

18 A The Foundations is very high, because they're
19 using it as a graduation requirement. So we usually
20 have, you know, 200, 250 kids at a time scheduled into
21 those classes.

22 Q And why are they -- What do you mean by
23 they're using it as a graduation requirement?

24 A They need to have a Fine Art as a graduation
25 requirement. And the Foundations of Art class, for

1 those kids that don't, you know, that aren't going to
2 go into an Art pathway, or not interested; they take
3 the basic general Art class to fulfill that
4 requirement.

5 Q All right.

6 MR. LANG: Ask this.

7 MR. GROSSMAN: Your Honor, I maybe just have
8 one or two more questions, I'm just trying to formulate
9 them to see --

10 THE COURT: Okay.

11 MR. GROSSMAN: -- if I'm -- No, I have no
12 further questions, Your Honor.

13 THE COURT: All right. Thank you. Anything
14 else?

15 MS. HOFF: No.

16 THE COURT: All right. Thank you very much.
17 You're excused.

18 THE WITNESS: Okay. Thank you.

19 MR. GROSSMAN: Thank you.

20 MR. LANG: Thank you.

21 MR. GROSSMAN: Thank you.

22 THE WITNESS: --

23 THE COURT: Okay. So I guess I'll see
24 everybody tomorrow?

25 MR. GROSSMAN: Yes, Your Honor.

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THE COURT: All right.

MS. HOFF: Thank you, Your Honor.

THE COURT: Thank you. And just don't forget
to tell me the office --

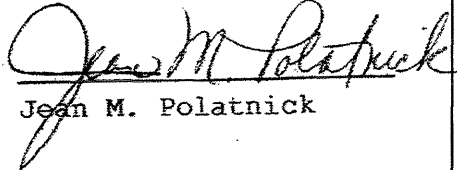
{Whereupon, the proceedings were adjourned.}

* * * * *

1 STATE OF NEW JERSEY }

2 COUNTY OF MERCER }

3
4 I, Jean Polatnick, assigned transcriber, do
5 hereby affirm that the foregoing is a true and accurate
6 transcript of the proceedings in the matter of Leonor
7 Alcantara, Individually and as guardian ad litem for
8 E.A., et al. vs. David Hespe, Commissioner of
9 Education, bearing Docket Number EDU 11069-14, heard
10 on, February 12, 2018 before the Office of
11 Administrative Law Court.

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14 Jean M. Polatnick
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A/D/T CERTIFICATION

I, Carla Nale, AD/T#520, certified transcriber, do hereby affirm that the foregoing is a true and accurate proofread transcript in the matter of Leonor Alcantara, Individually and as guardian ad litem for E.A., et al. vs. David Hespe, Commissioner of Education, bearing Docket Number EDU 11069-14, heard on, February 12, 2018 before the Office of Administrative Law Court.


Carla Nale, AD/T# 520